THE BOMBAY CODE

VOLUME V.

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE BOMBAY CODE

IN FIVE VOLUMES.

VOLUME V:

CONTAINING

THE UNREPEALED ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL AND OF THE BOMBAY LEGISLATIVE COUNCIL IN FORCE IN BOMBAY FROM 1909 TO 1922, INCLUSIVE, CHRONOLOGICAL TABLES OF ENACTMENTS REPRODUCED IN THIS VOLUME AND AN INDEX.

FOURTH EDITION.

CALCUTTA: GOVERNMENT OF INDIA
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1924

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[1]To remain in force for 2 years from 1st April, 1922.
[2]To remain in force for 4 years from 1st April, 1922.

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THE BOMBAY CODE.

VOLUME V.

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL AND OF THE BOMBAY LEGISLATIVE COUNCIL FROM 1909 TO 1922.

BOMBAY ACT No. II OF 1909 [1]

[THE KARACHI PORT TRUST (AMENDMENT) ACT, 1909]

[7th April, 1909.]

An Act further to amend the Karachi Port Trust Act, 1886.

Bom. Act VI of 1886.

Preamble.

WHEREAS it is expedient further to amend the [2]Karachi Port Trust Act, 1886; It is hereby enacted as follows:—

Bom. Act VI of 1886.

Amendment of section 18.

1. In the proviso to sub-section (9) of section 18 of the [3]Karachi Port Trust Act, 1886, hereinafter called "the said Act," for the words "the Local Authorities Loan Act, 1879, or other law for the time being in force" the words "this Act" shall be substituted.

Insertion of a new Chapter VI.

2. After section 59 of the said Act, the following heading and sections shall be inserted, namely:—

[Vol. II of this Code.]

Substitution of section 61.

3. For section 61 of the said Act, the following shall be substituted, namely:—

[Vol. II of this Code.]

[illegible]

4. In section 74 of the said Act, the words "in the opinion of the [illegible] [illegible]intentionally" are hereby repealed.

[illegible]

5. In the said Act, Chapters VI, VII, VIII and IX shall be [illegible] VII, VIII, IX and X respectively. [illegible]

[illegible]

BOMBAY ACT No. III OF 1909.[1]

[THE PRINCE OF WALES MUSEUM ACT, 1909.]

[*19th August, 1909.*]

An Act to provide for the erection and management of the Prince of Wales Museum of Western India.

WHEREAS it is intended to erect and maintain at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay;

AND whereas certain land has been set apart and large sums of money have been and are being subscribed for these purposes;

AND whereas three Trustees have been provisionally appointed to take the custody of the said moneys;

AND whereas it is expedient to make provision for the erection, maintenance and management of the Museum and for the vesting and management of the said land and moneys and for the appointment of a permanent Board of Trustees;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Prince of Wales Museum Act, 1909, and

(*2*) It shall come into force at once.

Property vested in the Board.

2. All the estate, right, title and interest of His Majesty together with all other estates, rights, titles and interests in and to the land specified in the schedule to this Act and all moneys now in the custody of the three Trustees provisionally appointed to take the custody of the moneys subscribed for the purposes of erecting or maintaining at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay and all the other property, whether immoveable or moveable, which has been or may hereafter be given, devised, bequeathed, transferred or otherwise acquired for the said purposes shall vest in the permanent Board of Trustees constituted by this Act on trust for the erection on the land specified in the said schedule of a Museum to be called "The Prince of Wales Museum of Western India," and for the maintenance and management of the said land and Museum

Constitution and powers of the Board.

3. (*1*) There shall be constituted for the purposes of this Act a permanent Board of Trustees to be called "The Trustees of the Prince of Wales Museum of Western India" and such Board (hereinafter called "the

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1908, Part VII, page 171; for Report of Select Committee, *see ibid*, 1909, Part VII, page 91, and for Proceedings in Council, *see ibid*, 1909, Part VII, pages 38 and 158.

Board") shall be a body corporate, with perpetual succession and a common seal, and in the name of "The Trustees of the Prince of Wales Museum of Western India" shall sue and be sued, and shall have power to [1][acquire and hold immoveable or moveable property, to let on hire, lease or mortgage any immoveable property vesting in them] to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act:

[2][Provided that the Board shall not have power to mortgage any land specified in the schedule which is included within lines drawn parallel to, and at a distance of twenty feet from, above the plinths of the front corner towers of the present Museum building and extending from the Rampart Row boundary to the Esplanade Road boundary which area contains by admeasurement 14,606 square yards, be the same a little more or less, and is for greater clearness delineated on the plan referred to in section 2 of the [3]Prince of Wales Museum (Amending) Act, 1913, or any building thereon.]

Bom. Act VII of 1913.

(2) The Board shall consist of the following members, namely :—

[4][(*a*) the Director of Industries for the Presidency of Bombay;]

(*b*) the Collector of Bombay;

(*c*) the Principal of the Sir Jamsetjee Jeejeebhoy School of Art;

(*d*) the Superintendent, Archæological Survey, Western Circle;

(*e*) such two members of the Municipal Corporation of the City of Bombay as shall from time to time be elected by the said Corporation in accordance with such regulations as may from time to time be made in this behalf by the said Corporation: provided that the election shall be by [5][ballot];

[4][(*f*) three other persons be nominated by the Government;]

[6][(*g*) so long as the collections installed in the Museum by the Bombay Natural History Society remain in the Museum, two other persons to be nominated by the Managing Committee of the Bombay Natural History Society;

(*h*) so long as the loan collection of the Bombay branch of the Royal Asiatic Society remains in the museum, one other person to be nominated by the Bombay branch of that Society;

[1] These words were substituted for the words "hold and acquire property" by s. 2 (*a*) of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. Act 6 of 1921), *infra*.

[2] This proviso was added by s. 2 (*b*) *ibid*.

[3] *Infra*.

[4] This clause was substituted by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. Act 12 of 1922), *infra*.

[5] This word was substituted for the words "open vote, and" by *ibid*.

[6] These clauses were inserted by *ibid*.

(*i*) one other person to be nominated by the Syndicate of the University of Bombay; and

(*j*) four other persons to be nominated by the Board, if the Board so desire, for such period as the Board may consider desirable.]

(*3*) In the case of *ex-officio* members the person for the time being performing the duties of any of the offices mentioned in sub-section (*2*) shall act as a member.

(*4*) All acts done by a majority of the members present and voting at a meeting of the Board shall be deemed to be acts of the Board.

(*5*) No act of the Board shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Board.

(*6*) The Board may appoint a person to act as their Secretary.

(*7*) Orders for the payment of money on behalf of the Board shall be deemed to be sufficiently authenticated if signed by two members and countersigned by the Secretary.

Term of office: election and appointment of new members if a vacancy.

[1][**3A.** (*1*) Members of the Board other than *ex-officio* members shall, save as herein otherwise provided, hold office for a period of three years.

(*2*) If a member, other than an *ex-officio* member—

(*a*) dies, or

(*b*) is absent from the meetings of the Board for more than six consecutive months, or

(*c*) leaves the Presidency of Bombay with the intention of being absent therefrom for more than six consecutive months, or

(*d*) desires to be discharged, or

(*e*) refuses to act or becomes incapable of acting,

a new member may be elected or nominated, as the case may be, in the same manner as was the member in whose place he is to be elected or nominated and he shall hold office for so long only as such member would have held it if the vacancy had not occurred.

Power of board to lend, exchange, sell or destroy articles in collections.

[1][**3B.** Subject to the provisions of any rules made by the Government in this behalf the Board may, from time to time—

(*a*) deliver by way of loan to any person the whole or any portion of, or any article contained in, any collection vested in them under this Act;

[1] Sections 3A, 3B and 3C were inserted by s. 3 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. Act 12 of 1922), *infra*.

(*b*) exchange or sell articles contained in any such collection and take or purchase, in the place of such articles, such articles as may in their opinion be worthy of preservation in the Museum ;

(*c*) present articles contained in any such collection to other Museums in India or elsewhere ; and

(*d*) remove and destroy any article contained in any such collection :

Provided that nothing herein contained shall authorise the Trustees to lend, exchange, sell, present, remove or destroy any article when such lending, exchange, sale, presentation, removal or destruction, as the case may be, is precluded by the terms on which the Trustees may have received any such article.]

Power of Board to keep collections not belonging to them.

[1][**3C.** Notwithstanding anything hereinbefore contained, the Board may, if they think fit, assume the custody and administration of collections which are not the property of the Board for the purposes of their trust under this Act and keep and preserve such collections either in the Museum or elsewhere.]

Officers and servants to be public servants.

4. All officers and servants employed by the Board shall be deemed to be public servants within the meaning of the [2]Indian Penal Code : **XLV of 1860.**

Provided that this section shall not apply to persons in the service of any contractor employed by the Board.

Rules.

5. (*1*) The [3][Government] may make rules[4] to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the manner in which meetings of the Board shall be convened, the quorum necessary for the transaction of business, and the procedure at such meetings ;

(*b*) for the appointment of committees of the Board, and the powers of expenditure and control which may be delegated to such committees ;

(*c*) for the erection of the Museum on the land specified in the schedule to this Act and for the maintenance and management of the said land and Museum, the care and custody of the objects deposited in the Museum, and the conditions under which the public shall have access to the land or Museum ;

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[1] *See* Footnote 1 on preceding page.

[2] General Acts, Vol. I.

[3] This word was substituted for the words "Governor of Bombay in Council" by s. 4 of the Prince of Wales Museum (Amendment) Act, 1932 (Bom. Act 12 of 1932), *infra*.

[4] For rules *see* the Bombay Local Rules and orders.

(*d*) for the maintenance, management and disposal of any other immoveable property vested in the Board and for the investment and re-investment in public securities or otherwise and for the safe custody of the funds of the Board ;

(*e*) for the form of accounts to be kept by the Board. and for the audit and publication of such accounts ; and

(*f*) for the application to the officers and servants employed by the Board of the rules which apply to the civil servants of the Crown, or to any class of such civil servants.

Power to borrow from Government or person.

[1][6. The Board may from time to time borrow or reborrow and take up at interest from the Government or with the previous sanction of the Government from any person any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them to carry out the purposes of this Act, or for the purpose of repaying either in whole or part any sums hereafter borrowed or owing by the Board :

Provided that no loan exceeding in amount twenty-five lakhs of Rupees shall be raised by the Board unless the terms, including the date of flotation of such loan, have been approved by the Government of India.]

Mortgage of immoveable property, or evenues.

[1][7. (*1*) The Board may borrow or reborrow any such sum as aforesaid from any person on the security of any immoveable property vesting in them other than the property mentioned in the proviso to section 3 or of their revenues or of both of these securities.

(2) For the purpose of securing the repayment of any sum so borrowed with interest thereon they may mortgage to the person by or on behalf of whom such sum is advanced any such immoveable property or revenues of both of these securities.]

Provisions as to sinking funds.

[1][8. (*1*) In respect of every loan raised by the Board for a term exceeding one year, the Board shall either pay off the money borrowed by equal yearly or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest by investing the same in the purchase of public securities or in such other securities as the Government may approve in this behalf such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed [2][within such period not exceeding sixty years from the date of the raising of the loan as the Government may in each case direct.]

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[1]Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. Act 6 of 1921), *infra.*

[2]These words were substituted for the words " within the period sanctioned " by *s. 5* of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. Act 12 of 1922), *infra.*

(2) The Board may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established : Provided that they pay into the fund each time that interest would have been received by the Board in respect of the sinking fund or the part of the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received.]

Annual examination of sinking fund.

[1][**9.** The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. The Board shall pay forthwith into the sinking fund any amount which the Accountant General may certify to be deficient, unless the Government specially sanction a gradual re-adjustment.]

Issue of debentures.

[1][**10.** (*1*) In respect of any sinking fund which by this Act the Board are directed or empowered to invest in public securities or in such other securities as the Government may approve in this behalf, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the Government shall have been duly obtained, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(*2*) The issue of any such debentures direct to and in the name of "the Trustees of the Prince of Wales Museum of Western India" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(*3*) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.]

Form of debentures.

[1][**11.** (*1*) When money is raised by the Board on debentures the debentures shall be in such form as the Board, with the previous sanction of the Government, shall from time to time determine.

(*2*) The holder of any debenture in any form duly authorised under this section may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form authorised by the Board.

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[1] *See* footnote 1 on page 6, *supra.*

(3) Every debenture issued by the Board shall be transferable by endorsement.

(4) The right to payment of the moneys secured by any such debentures and to sue in respect thereof shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.]

Prohibition of endorsements on allonges.

[1][12. Notwithstanding anything contained in section 15 of the[2] Negotiable Instruments Act, 1881, the holder of any debenture issued under the provisions of this Act and transferable by endorsement shall not be said to endorse the debenture, or be called the endorser thereof, if when he signs the same for the purpose of negotiation he subscribes his signature for that purpose elsewhere than on the back of the debenture itself.]

XXVI of 1881.

Issue of stock certificates.

[1][13. (*1*) The Board may at their discretion at the time of issue or at any time during the currency of any debentures issued under the provisions of this Act, upon the application of the subscriber for, or holder of, any such debentures, issue to him, in lieu of the debentures deliverable to or held by him, a certificate in the nature of a stock certificate in respect of each loan to which such debentures relate, which shall be in such form as the Board, with the previous consent of the Government, shall from time to time determine.

(2) The Board shall upon the application of the holder of a stock certificate convert the same into debentures of the loan to which it relates.]

Payment to survivors of joint payees.

[1][14. (*1*) Notwithstanding anything contained in section 45 of the[3] Indian Contract Act, 1872, when money in respect of any debenture or stock certificate issued under the provisions of this Act is payable to two or more persons jointly and either or any of them dies, the money shall be payable to the survivor or survivors of those persons.

IX of 1872.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the money payable jointly to him or them and the deceased.]

Power of one or more joint holders to grant receipt.

[1][15. Notwithstanding anything contained in section 45 of the[3] Indian Contract, Act, 1872, where two or more persons are joint holders of any debenture or stock certificate issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or stock certificate, unless notice to the contrary has been given to the Board by any other of those persons.]

IX of 1872.

Notice of trust not receivable.

[1][16. No notice of any trust in respect of any debenture, or stock certificate issued by the Board shall be receivable by the Board.]

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[1] *See* footnote 1 on page 6, *supra.*
[2] General Acts, Volume III.
[3] General Acts, Volume II.

[1][17. (*1*) The Board may from time to time make rules prescribing :— **Board empowered to make rules.**

(*a*) the amounts for which debentures and stock certificates may be issued ;

(*b*) the mode in which payment of interest in respect of all debentures and stock certificates issued under the provisions of this Act is to be made, recorded and acknowledged ;

(*c*) the circumstances in which such debentures and stock certificates must be renewed before further payment of interest thereon can be claimed ;

(*d*) the fees to be levied in respect of the issue of renewed debentures and stock certificates ;

(*e*) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock ;

(*f*) the form in which debentures and stock certificates delivered for renewal are to be receipted ;

(*g*) the proof to be produced by persons applying for duplicate debentures and stock certificates ;

(*h*) the circumstances and manner in which duplicate debentures and stock certificates may be issued in case of debentures and stock certificates alleged to have been wholly or partly lost or destroyed and the period after which interest may be paid or a duplicate be issued in case of such debentures and stock certificates and the fees to be levied in respect of the issue of duplicate debentures and stock certificates ;

(*i*) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures alleged to have been wholly or partly lost or destroyed, or the issue of duplicate debentures ;

(*j*) generally the measures to be adopted for carrying out the purposes of this Act.

(*2*) (*a*) No rule, or alteration or revocation of a rule, shall have effect until the same shall have been approved by the Government, and such approval shall have been published in the Bombay Government Gazette ; and no rule, or alteration or revocation of a rule, shall be approved by the Government until the same shall have been published for three weeks successively in the said Gazette.

(*b*) It shall be lawful for the Government at any time by notification in the said Gazette to cancel any rule published under the provisions of this section.]

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[1] *See* footnote 1 on page 6, *supra*.

SCHEDULE.[1]

The semi-circular plot of land opposite the Sailors' Home and Elphinstone College, bounded on the north by Rampart Row, measuring 31,957 square yards or thereabouts and bearing Survey No. 5433 of the City of Bombay.

— — —

BOMBAY ACT No. 1 of 1910.[2]

[The Bombay Repealing and Amending Act, 1910.]

[*23rd February, 1910.*]

An Act to amend certain enactments and to repeal certain other enactments.

Whereas it is expedient to amend the enactments specified in the first schedule and to repeal the enactments specified in the second schedule to this Act; and whereas the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act, so far as regards the amendment of the [4]Dekkhan Agriculturists' Relief Act, 1879, and of the [4]Panch Mahals Laws Act, 1885, in the manner mentioned in the first schedule and the repeal of the [4]Bombay Civil Courts Act, 1869, to the extent mentioned in the second schedule; It is hereby enacted as follows:—

XVII of 1879. VII of 1885. XIV of 1869.

Short title. **1.** This Act may be called the Bombay Repealing and Amending Act, 1910.

Amendment of certain enactments. **2.** The enactments specified in the first schedule are hereby amended in the manner mentioned in the fifth column thereof.

Repeal of certain enactments. **3.** The enactments specified in the second schedule are hereby repealed to the extent mentioned in the fifth column thereof.

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[1] This Schedule has been amended by s. 2 of the Prince of Wales Museum (Amending) Act, 1913 (Bom. Act 7 of 1913), *infra.*

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1909, Part VII, page 12; for Report of Select Committee, *see ibid*, 1909, Part VII, page 95; and for Proceedings in Council, *see ibid*, 1909, Part VII, pages 38 and 169.

[3] *See* now section 80-A of the Government of India Act.

[4] Vol. I of this Code.

THE FIRST SCHEDULE.

Part I.—Acts of the Governor General in Council.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Amendments.
1	1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879.	To section 2 the following clause shall be added, namely :— [Vol. I of this Code.]
[1] *	*	*	*	* *
5	1885	VII	The Panch Mahals Laws Act, 1885.	In the third column of the second part of the schedule, pertaining to Acts of the Governor of Bombay in Council, for the words "and last 15 words of section 58" the words "and sub-section (3) of section 58" shall be substituted.

Part II.—Acts of the Governor of Bombay in Council.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Amendments.
1	1876	II	The Bombay City Land Revenue Act, 1876.	To section 12, the following proviso shall be added, namely :— [Vol. II of this Code.]
[2] *	*	*	*	* *
3	1879	V	The Bombay Land Revenue Code, 1879.	For section 58 the following section shall be substituted, namely :— [Vol. II of this Code.]

[1] The entries relating to serial numbers 2, 3 and 4 were repealed by section 3 of Bom. Act 1 of 1912, *infra*

[2] The entry relating to serial number 2 was repealed by sections 3 and 4 (3) of Bom. Act 4 of 1918, *infra*.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Amendments.
4	1879	V	The Bombay Land Revenue Code.	In section 65, for the words "The Collector on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and after inquiry may either grant or refuse the same: but if the applicant receive no answer within three months from the date of the said acknowledgment, the Collector's permission may be deemed to have been granted" the following words shall be substituted, namely:— [Vol. II of this Code.]
5	»	»	Do.	In section 66, for the words "three months from the date of the aforesaid acknowledgment" the words "the period prescribed by section 65" shall be substituted.
6	»	»	Do.	For section 85, the following section shall be substituted, namely:— [Vol. II of this Code.]
7	1879	VI	The Bombay Port Trust Act, 1879.	[1] *In section 5 for the word "thirteen" the word "sixteen", for the word "five" the word "seven", for the word "seven" the word "eight" and for the word "trustees", where it occurs for the third time, the word "nominee-trustees" shall be substituted.*
8	»	»	Do.	For section 6 the following section shall be substituted, namely:— [Vol. II of this Code.]
9	»	»	Do.	In section 13, for the words "the Chamber of Commerce" the words "the electing body concerned" shall be substituted.
10	»	»	Do.	To section 14-B, the words "other than Government, a local authority or a Railway Company" shall be added.

[1] This entry relating to section 5 is virtually repealed as this section was subsequently substituted by section 1 of Bom. Act 6 of 1914, *infra*.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Amendments.
11	1879	VII	The Bombay Irrigation Act, 1879.	In section 11, after the word "Council" the words "or any Commissioner if empowered by Government in this behalf" shall be inserted.
12	"	"	Do.	To paragraph 1 of section 57 the words "or of any Commissioner empowered by Government in this behalf" shall be added.
13	1887	IV	The Bombay Prevention of Gambling Act, 1887.	In section 1, before the word "railway" the words "railways and" shall be inserted.
14	"	"	Do.	In section 12, (a) for the words "place or thoroughfare," where they occur for the first and second time, the words "or thoroughfare, or in any place to which the public have or are permitted to have access" shall be substituted; (b) for the words "place or thoroughfare," where they occur for the third time, the words "thoroughfare or place" shall be substituted.
15	1888	III	The City of Bombay Municipal Act, 1888.	In section 63, after clause (i), the following clause shall be inserted, namely :— [Vol. III of this Code.]
16	"	"	Do.	After section 110 the following sections shall be inserted, namely :— [Vol. III of this Code.]
17	1888	VI	The Gujarat Taluqdars' Act, 1888.	After sub-section (1) of section 28 the following sub-section shall be inserted, namely :— [Vol. III of this Code.]
18	"	"	Do.	In sub-section (2) of the said section, (a) for the first eleven words the following words shall be substituted, namely :— [Vol. III of this Code.]

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Amendments.
18 *contd.*	1888	VI	The Gujarat Talukdars' Act, 1888.	(b) for the words "such estate" the words "the whole estate" shall be substituted.
19	"	"	Do.	In the first proviso to the said sub-section, (a) after the word "given" the words "on any such application" shall be inserted; (b) for the words "any such" the word "the" shall be substituted.
20	1890	II	The Bombay Salt Act, 1890.	In section 36, clauses (b), (c) and (d) shall be re-named clauses (a), (b) and (c), and in clause (b), as so re-named, after the word "same" the words "such salt-work, customs-station, port or place being a salt work, customs-station, port or place out of Sind" shall be inserted.
21	1890	IV	The Bombay District Police Act, 1890.	In section 3, clause (a), for the words "and 'Assistant Superintendent'" the words "'Assistant Superintendent' and 'Deputy Superintendent'" and for the words "and an Assistant Superintendent of Police" the words "an Assistant Superintendent of Police and a Deputy Superintendent of Police" shall be substituted.
22	"	"	Do.	In section 6, after the word "Assistant," the words "and Deputy" shall be inserted.
23	"	"	Do.	In section 20, sub-section (1), section 31, sub-sections (1) and (2), section 33, sub-section (2), section 34, sub-section (1), and section 48, sub-section (1), after the word "Assistant," the words "or Deputy" shall be inserted.
24	1905	I	The Bombay Court of Wards Act, 1905.	In sub-section (2) of section 8 after the words "Court of Wards" the words "may assume the superintendence of the undivided share of such disqualified landholder or" shall be inserted.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Amendments.
25	1905	I	The Bombay Court of Wards Act, 1905.	After sub-section *1.* of section 9 the following sub-section shall be inserted, namely :— [Vol. IV of this Code.]
26	"	"	Do.	In sub-section (*2*) of the said section, (*a*) for the first nine words the following words shall be substituted, namely :— [Vol. IV of this Code.] (*b*) for the words "such property" the words "the whole property" shall be substituted.
27	"	"	Do.	In the first proviso to the said sub-section, (*a* after the word "made" the words "on any such application" shall be inserted; (*b*) for the words "any such" the word "the" shall be substituted.
28	"	"	Do.	In paragraph (*ii*) of the first proviso to sub-section (*2*) of section 40, (*a*) for the words "referred to in section 8, sub-section (*2*)" the words "who are co-sharers in a family which is undivided according to Hindu law" shall be substituted; (*b*) for the last ten words of the paragraph the words "from surplus income such portion as shall be proportionate to his interest in the estate" shall be substituted.
29	1906	I	The Sind Courts Amendment Act, 1906.	In section 9, sub-section (*1*), after the word "Governor" where it occurs for the first time, the words "of Bombay" shall be inserted.

THE SECOND SCHEDULE.

Part I.—Act of the Governor General in Council.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Extent of repeal.
1	1869	XIV	The Bombay Civil Courts Act, 1869.	In section 12, (a) the words "with the previous sanction of the Governor General of India in Council"; (b) the second clause.

Part II.—Acts of the Governor of Bombay in Council.

1	2	3	4	5
Serial No.	Year of Act.	No. of Act.	Short title.	Extent of repeal.
1	1890	II	The Bombay Salt Act, 1890.	Section 53, clause [illegible].
2	"	IV	The Bombay District Police Act, 1890.	Section 77, sub-sections (2) and (3).
3	1901	III	The Bombay District Municipal Act, 1901.	In section [illegible]1, clause (f), sub-clause [illegible], the words "and providing such accommodation as may be required by Government under section 77 of the Bombay District Police Act, 1890."
4	1902	IV	The City of Bombay Police Act, 1902.	In section 4, the words "with the sanction of the Government of India."

BOMBAY ACT No. II OF 1910.[1]

[THE BHAGDARI AND NARWADARI TENURES ACT, 1910.]

[*22nd September, 1910.*]

An Act further to amend [2]Bombay Act No. V of 1862 (an Act for the preservation of the Bhágdári and Narwádári Tenures).

Preamble. WHEREAS it is expedient further to amend [2]Bombay Act No. V of 1862 (an Act for the preservation of the Bhágdári and Narwádári Tenures), in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bhágdári and Narwádári Tenures Act, 1910.

Addition of words to preamble. **2.** To the preamble of [2]Bombay Act No. V of 1862 (an Act for the preservation of the Bhágdári and Narwádári Tenures), hereinafter called "the said Act", the following words shall be added, namely:—

[Vol. II of this Code.]

Addition of a new section. **3.** After section 5 of the said Act the following section shall be added, namely:—

[Vol. II of this Code.]

BOMBAY ACT No. III OF 1910.[3]

[THE BOMBAY HEREDITARY OFFICES ACT, 1910.]

[*1st October 1910.*]

An Act further to amend the Bombay Hereditary Offices Act and the Matádárs Act, 1887.

Bom. Act III of 1874. Bom. Act VI of 1887. WHEREAS it is expedient further to amend the [2]Bombay Hereditary Offices Act and the [2]Matádárs Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bombay Hereditary Offices Act, 1910.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1909, Pt. VII, page 350; for Report of Select Committee, *see ibid.* 1910, Pt. VII, page 109; and for Proceedings in Council, *see ibid*, 1910, Pt. VII, pages 49 and 200.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1910, Pt. VII, page 13; for Report of Select Committee, *see ibid*, 1910, Pt. VII, page 112; and for Proceedings in Council, *see ibid*, 1910, Pt. VII, pages 52 and 205.

The Bombay Hereditary Offices Act.

2. In the Bombay Hereditary Offices Act, the following amendments and repeals shall be made, namely :— Bom. Act [illegible] of 1874.

(1) For section [illegible] the following shall be substituted, namely :—

[Vol. II of this Code.]

(2) Section 4[illegible] is hereby repealed.

(3) In section 45,

(a) after clause *(e)* the following clause shall be inserted, namely :—

[Vol. II of this Code.]

(b) after clause *(g)* the following clause shall be inserted, namely :—

[Vol. II of this Code.]

(4) For sections 46 to [illegible]9 the following shall be substituted, namely :—

[Vol. II of this Code.]

(5) Section 50 is hereby repealed.

(6) *(a)* To paragraph 1 of section 53 the following shall be added, namely :—

[Vol. II of this Code.]

(b) Paragraph 2 of the same section is hereby repealed.

(7) To section 58, the following words shall be added, namely :—

[Vol. II of this Code.]

(8) Section 59 is hereby repealed.

(9) In section 60 for the words "the watan" the words "any watan in which he has an interest" shall be substituted.

(10) To section 79, the following new paragraph shall be added, namely :—

[Vol. II of this Code.]

(11) In the second schedule after the 5th entry the following shall be inserted, namely :—

[Vol. II of this Code.]

The Matádárs Act, 1887.

Amendments of sections 2, 9, 20, 21, 22, 30 and 31 of Bombay Act VI of 1887.

Bom. Act VI of 1887.

3. In the [1]Matádárs Act, 1887, the following amendments shall be made, namely :—

(*1*) To section 2 the following clause shall be added, namely :—

[Vol. II of this Code.]

(*2*) (*a*) In section 9, before the words "be registered", the following shall be inserted, namely :—

[Vol. II of this Code.]

(*b*) To the same section the following proviso shall be added, namely :—

[Vol. II of this Code.]

(*3*) In section 20, after the word "necessary" the following proviso shall be inserted, namely :—

[Vol. II of this Code.]

(*4*) In section 21 for the words and figures "in a village to which section 15 applies pass to the matádár family next in the settled order of rotation" the following words and figures shall be substituted, namely :—

[Vol. II of this Code.]

(*5*) In section 22 for the words "with the previous sanction of Government, may be any other person" the words "if there is no member of such family fit and willing to officiate, any other person may be appointed" shall be substituted.

(*6*) After section 22 the following new section shall be inserted, namely :—

[Vol. II of this Code.]

(*7*) (*a*) After clause (*e*) of section 30, the following clause shall be inserted, namely :—

[Vol. II of this Code.]

(*b*) In clause (*h*) of section 30 after the word "office" the following words shall be inserted, namely :—

[Vol. II of this Code.]

(*c*) Section 30 shall be re-numbered 30 (*1*) and the following inserted thereafter, namely :—

[Vol. II of this Code.]

(*8*) To paragraph 2 of section 31 the following words shall be added, namely :—

[Vol. II of this Code.]

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[1] Vol. II of this Code.

(b) In paragraph 3 of the same section the following words are hereby repealed, namely :—

"Or of appointing a deputy to officiate and if any representative matádár so deprived is a sole representative matádar a deputy shall be appointed by the Collector subject to the provisions of paragraph 2 of section 22 to officiate in his stead during his life-time."

BOMBAY ACT No IV of 1910[1].

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1910.]

[5th October, 1910.]

An Act further to amend the Bombay Port Trust Act, 1879.

Bom. Act VI of 1879.

WHEREAS it is expedient further to amend the [2] Bombay Port Trust Act, 1879, in manner hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1910.

Bom. Act VI of 1879.

Insertion of heading and section after section 22.

2. After section 22 of the [2] Bombay Port Trust Act, 1879, the following heading and section shall be inserted, namely :—

[Vol. II of this Code.]

Amendment of section 2

3. In section 24 of the said Act, for the word " three " the word " four " shall be substituted, and before the word " Secretary " the words " Deputy Chairman " shall be inserted.

BOMBAY ACT No. I of 1911[3].

[THE ADEN PORT TRUST (AMENDMENT) ACT, 1911.]

[27th April, 1911.]

An Act further to amend the Aden Port Trust Act, 1888.

Bom. Act V of 1888.

WHEREAS it is expedient to amend the [4] Aden Port Trust Act, 1888, in manner hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Aden Port Trust (Amendment) Act, 1911.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1910, Pt. VII, page 8 ; for Report of Select Committee, *see ibid*, 1910, Pt. VII, page 105, and for Proceedings in Council, *see ibid* 1910, Pt. VII, pages 14-203.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, p. 8, and for Proceedings in Council, *see ibid*, 1911, Pt. VII, page 62.

[4] Vol. III of this Code.

Bom. Act V of 1888.

Section to be substituted for section 6.

2. For section 6 of the [1]Aden Port Trust Act, 1888, hereinafter called the principal Act, the following section shall be substituted, namely :—

[Vol. III of this Code.]

Amendment of sections 10, 11 and 13.

3. (1) In sections 10, 11 and 13 of the principal Act, before the expressions "the *ex-officio* trustees" and "an *ex-officio* trustee" the words "the Chairman or" shall be inserted.

(2) In section 13, sub section (*1*), clause (*f*) of the principal Act, before the words "is absent" the words "except in the case of the Chairman" shall be inserted.

New section 11A.

4. After section 11 of the principal Act, the following section shall be inserted, namely :-

[Vol. III of this Code.]

Section to be substituted for section 14.

5. For section 14 of the principal Act the following section shall be substituted, namely :—

[Vol. III of this Code.]

Amendment of section 67.

6. In section 67, sub-section (*1*), of the principal Act, for the words "being a trustee or any officer" the words "being a trustee other than the Chairman or an *ex-officio* trustee, or being an officer" shall be substituted.

Alterations in Schedule A.

7. (*1*) The following additions shall be made to Part I of Schedule A to the principal Act, namely :—

[Vol. III of this Code.]

(*2*) The references in the said Schedule A, Part I, to the following properties shall be repealed, namely :—

Consecutive No	Name of Property.	Heretofore in charge of	Boundaries and general description.
"22	Pilots' and Lascars' Quarters.	Port Officer . .	Quarters in Pilots' Bay.
24	Registration of Trade House.	Registration of Trade Department.	On the Isthmus Road."

[1] Vol. III of this Code.

BOMBAY ACT No. II of 1911.

[1]THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1911.]

[7th June, 1911.]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. Act III of 1888.

WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1911.

Amendment of section 74.

Bom. Act III of 1888.

2. In section 74 of the [2]City of Bombay Municipal Act 1888, hereinafter called "the said Act",

(*a*) in sub-section (*1*) the word "and" shall be omitted and the words "and municipal hydraulic engineer" shall be added to the sub-section.

(*b*) in sub-section (*2*) the following words shall be added to clause (*e*), namely:—

[Vol. III of this Code.]

(*c*) in sub-section (*3*), clause (*f*), for the word "either" the word "any" shall be substituted.

Amendment of section 75.

3. In section 75, sub-section (*1*), of the said Act, after the word "officer" the words "or of hydraulic engineer" shall be inserted.

Amendment of section 85.

4. In sub-section (*2*) of section 85 of the said Act,

(*a*) in clause (*a*) after the word "officer" the words "or the hydraulic engineer" shall be inserted, and

(*b*) in clause (*b*) after the word "officer" the words "or as hydraulic engineer" shall be inserted.

Amendment of section 142.

5. In section 142, sub-section (*2*), of the said Act, after the expression "under sub-section (*1*)" the expression "or (*3*)" shall be inserted.

Amendment of section 148.

6. (*1*) For clause (*a*) of sub-section (*1*) of section 148 of the said Act the following clause shall be substituted, namely:—

[Vol. III of this Code.]

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[1]For Statement of Objects and Reasons, see Bombay Government Gazette, 1910, Pt. VII, page 232; for Report of Select Committee, see *ibid*, 1911, Pt. VII, p. 7 and for Proceedings in Council, see *ibid*, 1911, Pt. VII, pp. 57 and 211.

[2] Vol. III of this Code.

(2) In sub-section (2) of the said section—

(a) after the word "buildings", where it first occurs, the words "and lands or portions thereof" shall be inserted;

(b) the word "buildings", where it occurs for the second time, is hereby repealed; and

(c) for the word "buildings" in clauses (c) and (d) the word "those" shall be substituted.

(3) The following sub-section shall be added to the said section, namely:—

[Vol. III of this Code.]

Amendment of section 181.

7. In clause (f) of section 181 of the said Act, before the word "and" the words "bicycles, tricycles, other than motor bicycles and tricycles" shall be inserted.

Insertion of a new section 194A.

8. After section 194 of the said Act the following section shall be inserted, namely:—

[Vol. III of this Code.]

Amendment of section 201.

9. To sub-section (2) of section 201 the following further proviso shall be added:—

[Vol. III of this Code.]

Amendment of section 327.

10. (1) For clause (c) of sub-section (1) of section 327 of the said Act the following shall be substituted, namely:—

[Vol. III of this Code.]

(2) The following sub-section shall be added to section 327, namely:—

[Vol. III of this Code.]

Amendment of section 344.

11. In sub-section (2) of section 344 of the said Act, for the expression "and 349C" the expression "349C and 349D" shall be substituted.

Insertion of a new section 349D.

12. After section 349C of the said Act the following section shall be inserted, namely:—

[Vol. III of this Code.]

Substitution of a new section for section 378.

13. For section 378 of the said Act the following section shall be substituted, namely:—

[Vol. III of this Code.]

Amendment of section 392.

14. In section 392, sub-section (1), of the said Act, the word "bake-house" in the two places where it occurs is hereby repealed.

Substitution of a new section for section 394.

15. For section 394 of the said Act the following section shall be substituted, namely :—

[Vol. III of this Code.]

Substitution of a new section for section 412.

16. For section 412 of the said Act, the following section shall be substituted, namely :—

[Vol. III of this Code.]

Amendment of section 461.

17. (*1*) In clause (*c*) of section 461 of the said Act,

(*a*) after the word "chimneys" the words "the number and position of staircases," and

(*b*) after the word "fires" the words "and the safety of the inmates in the event of fire" shall be inserted.

(*2*) After clause (*o*) of the same section the following clause shall be inserted, namely :—

[Vol. III of this Code.]

Amendment of table appended to section 471.

18. In the table appended to section 471 of the said Act,

(*a*) after the entry relating to section 349C, the following entry shall be inserted, namely :—

[Vol. III of this Code.]

(*b*) in the entry relating to section 392, sub-section (*1*), the word "bake-houses" is hereby repealed ;

(*c*) for the entries relating to section 394, the following entries shall be substituted, namely :—

[Vol. III of this Code.]

Amendment of table appended to section 472.

19. In the table appended to section 472 of the said Act,

(*a*) after the entry relating to section 349C, the following entry shall be inserted, namely :—

[Vol. III of this Code.]

(*b*) in the entry relating to section 392, sub-section (*1*), the word "bake-houses" is hereby repealed ;

(*c*) for the entries relating to section 394 the following entries shall be substituted, namely :—

[Vol. III of this Code.]

20. In sub-section (*2*) of section 489 of the said Act, after the reference ...n 326, sub-section (*4*), section 327, sub-section (*1*), clause (*a*), shall ...ed.

21. For section 514 of the said Act, the following shall be substituted, namely:— Substitution of a new section for section 514.

[Vol. III of this Code.]

22. In Schedule G of the said Act the following shall be substituted for the first two classes in the list of taxable vehicles and animals, namely :— Amendment of Schedule G.

[Vol. III of this Code.]

23. For Schedule M of the said Act, the following shall be substituted, namely :— Substitution of a new Schedule for Schedule M

[Vol. III of this Code.]

24. For item No. 11 in Schedule V of the said Act, the following shall be substituted, namely :— Amendment of Schedule V.

[Vol. III of this Code.]

BOMBAY ACT No. I OF 1912[1].

[THE DEKKHAN AGRICULTURISTS' RELIEF (AMENDMENT) ACT, 1912.][1]

[*29th January, 1912.*]

An Act further to amend the [2]Dekkhan Agriculturists' Relief Act, 1879, and to amend the Bombay Repealing and Amending Act, 1910.

XVII of 1879. Bom. Act I of 1910.

WHEREAS it is expedient further to amend the [2]Dekkhan Agriculturists' Relief Act, 1879, and to amend the [3]Bombay Repealing and Amending Act, 1910, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 5 of the [4] Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :—

XVII of 1879.

1. After section 74 of the [2] Dekkhan Agriculturists' Relief Act, 1879, the following section shall be inserted : New section inserted in Act XVII of 1879.

[Vol. I of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, page 379; for Report of Select Committee, *see ibid*, 1911, Pt. VII, page 479; and for Proceedings in Council, *see ibid*, 1911, Pt. VII, page 471, *ibid*, 1912, page 41.
The short title was given by Bombay Act 2 of 1921, *infra*.

[2] Vol. I of this Code.

[3] *Supra.*

[4] *See* now section 80A of the Government of India Act.

Repeal of part of Act XVII of 1879.

2. [illegible] section 48A of the [1] Dekkhan Agriculturists' Relief Act, 1879, — XVII of 1879.

(1) in section 12 of the said Act the words "or any society registered under the Co-operative Credit Societies Act, 1904", and

(2) in section 48A, sub-section (2), of the said Act the words "sub-section (1) shall not apply to any instrument to which any society registered under the Co-operative Credit Societies Act, 1904, is a party",

shall be repealed.

Repeal of part of Bom. Act I of 1910.

3. So much of Part I of the First Schedule to the [2] Bombay Repealing and Amending Act, 1910, as refers to the amendments entered as serial numbers 2, 3 and 4 of the said schedule, shall be repealed. Bom. Act I of 1910.

BOMBAY ACT No. II of 1912[3].

[THE SOCIETIES REGISTRATION (AMENDMENT) ACT, 1912.][3]

[22nd May, 1912.]

An Act to amend the Societies Registration Act, 1860.

WHEREAS it is expedient to amend the [1] Societies Registration Act, 1860, in manner hereinafter appearing; XXI of 1860.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [4] Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

Amendment of section 14.

1. Notwithstanding anything contained in section 14 of the [1] Societies Registration Act, 1860, hereinafter called "the said Act," it shall be lawful for the members of any society dissolved under section 13 of the said Act to determine by a majority of the votes of the members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in section 1 of the said Act. XXI of 1860.

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[1] Vol. I of this Code.

[2] *Supra.*

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Pt. VII, page 101 and for Proceedings in Council *see ibid*, 1912, Pt. VII, pages 187, 255.
The short title was given by Bom. Act 2 of 1921, *infra.*

[4] *See* now section 80 A of the Government of India Act.

BOMBAY ACT No. III OF 1912[1].

[THE BOMBAY RACE-COURSES LICENSING ACT, 1912.]

[6th June, 1912.]

An Act to provide for the licensing of race-courses in the Bombay Presidency.

WHEREAS it is expedient to make provision for the regulation of horse-racing in the Bombay Presidency; It is hereby enacted as follows: —

Short title and extent.

1. (*1*) This Act may be called the Bombay Race-courses Licensing Act, 1912.

(2) This section extends to the whole of the Bombay Presidency. The rest of the Act[2] extends only to such areas as the Governor in Council may by notification in the Bombay Government Gazette direct.

Definitions.

2. In this Act—

(*a*) "horse-race" means any race in which any horse, mare or gelding runs or is made to run in competition with any other horse, mare or gelding for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present;

(*b*) "race-course" means any ground on which a horse-race can be held.

Prohibition against horse-racing on unlicensed race-courses.

3. (*1*) No horse-race shall be held save on a race-course for which a license for horse-racing granted in accordance with the provisions of this Act is in force.

(2) The terms of such license shall be published in the Bombay Government Gazette.

Application for license for horse-racing.

4. (*1*) The owner, lessee or occupier of any race-course may apply to the Governor in Council for a license for horse-racing on such race-course.

Grant of license for horse-racing.

(2) The Governor in Council may withhold such license or grant it subject to such conditions and for such period as he may think fit.

Cancellation of license.

(3) The Governor in Council may at any time cancel any license granted under this section in the event of any breach of the conditions subject to which it was granted.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Pt. VII page 131; for Report of Select Committee, *see ibid*, 1912, Pt. VII, page 182; and for Proceedings in Council, *see ibid*, 1912, Part VII, pages 231 and 471.

[2] For notification extending the rest of the Act to the Island of Bombay and the Cantonment of Poona, *see* Bombay Government Gazette, 1912, Pt. I, page 983.

Penalty for taking part in horse-race on unlicensed race-course.

5. Whoever takes part in any horse-race on any race-course for which a license granted in accordance with the provisions of section 4 is not in force shall be punishable with fine which may amount to two hundred rupees.

Penalty for owner, etc., allowing racing in unlicensed place.

6. If any horse-race is held on any race course for which a license granted in accordance with the provisions of section 4 is not in force, any person being the owner, lessee or occupier of such race-course shall be punishable with fine which may amount to one thousand rupees.

Penalty for contravening conditions of license.

7. If any person to whom a license has been granted in accordance with the provisions of section 4 contravenes any of the conditions subject to which such license was granted, such person shall be punishable with fine which may amount to one thousand rupees.

Cognizance of offences under this Act.

8. No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

Exemptions.

9. The Governor in Council may from time to time by general or particular order published in the Bombay Government Gazette [1] exempt any horse-race from the operation of this Act.

BOMBAY ACT No. IV OF 1912[2].

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1912.]

[*13th June, 1912.*]

An Act further to amend the Bombay District Police Act, 1890.

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing ; It is hereby enacted as follows :—

Bom. Act IV of 1890.

Amendment of section 8.

1. In section 8 of the Bombay [3] District Police Act, 1890, hereinafter called " the said Act ", after the word " inspectors " the words " sub-inspectors and sergeants " shall be inserted.

Bom. Act IV of 1890.

Amendment of section 9.

2. In section 9 of the said Act, for the words " below the grade of inspector " the words " of the grades of head-constable and constable " shall be substituted.

Amendment of section 15.

3. In section 15 of the said Act, after the words " the distribution of the police force " the words " the conduct and character of any police officer subordinate to the District Superintendent " shall be inserted.

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[1] For notification exempting the Bombay Gymkhana Mounted Sports from the operation of the Act, *see* Bombay Local Rules and Orders.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, page 898 ; for Report of Select Committee, *see ibid*, 1912 Pt. VII, page 112 ; and for Proceedings in Council, *see ibid*. 1912, Pt. VII, pages 70 and 257. The short title was given by Bom. Act 2 of 1921, *infra*.

[3] Vol. III of this Code.

4. In section 20 of the said Act, for the words " A Commissioner " the words " The Inspector General " shall be substituted and the words " within the division " shall be repealed.

Amendment of section 20.

5. In sub-section (*1*) of section 21 of the said Act, for the words " chief constable " the word " sub-inspector " shall be substituted.

Amendment of section 21.

6. (*1*) In clause (*m*) of sub-section (*1*) of section 39 of the said Act, the words " the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and " are hereby repealed.

(*2*) After section 39 of the said Act the following shall be inserted :—

[Vol. III of this Code.].

Repeal in part of section 39 (1) (m) and insertion of new section 39 A.

7. For clause (*b*) of section 61 of the said Act the following shall be substituted :—

[Vol. III of this Code.].

Amendment of section 61 (b).

8. In clause (*a*) of section 65 of the said Act after the words " section 39 " the words " or section 39 A " shall be inserted.

Amendment of section 65.

BOMBAY ACT No. V OF 1912[1].

[THE BOMBAY CIVIL COURTS (AMENDMENT) ACT, 1912.]

[*22nd June, 1912.*]

An Act further to amend the Bombay Civil Courts Act, 1869.

XIV of 1869.

WHEREAS it is expedient further to amend the [2]Bombay Civil Courts Act, 1869, hereinafter called " the said Act ", in manner hereinafter appearing;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :—

1. In section 22 of the said Act for the word " five " the word " three " shall be substituted.

Amendment of section 22.

2. After section 28 of the said Act the following shall be inserted :—

[Vol I of this Code]

New section 28A.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, p. 898 (b); for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 102; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 71 and 258. The short title was given by Bom. Act 2 of 1921, *infra*.

[2]Vol. I of this Code.

[3]*See* now section 80 A of the Government of India Act.

[THE BOMBAY MEDICAL ACT, 1912.]

CONTENTS.

Sections.

BOMBAY ACT No. VI OF 1912[1].

[25th June, 1912.]

An Act for the registration of medical practitioners.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Bombay; And whereas the previous sanction of

[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1911, Pt. VII, p. 339; for Report of Select Committee, see ibid, 1912, Pt. VII, p. 103; and for Proceedings in Council, see ibid, 1912, Pt. VII, pp. 45 and 189.

the Governor General required by section 5 of the Indian Councils Act, 1892[1], has been obtained for the passing of this Act; It is hereby enacted as follows : —

Short title, extent and definition.

1. (*1*) This Act may be called the Bombay Medical Act, 1912.

(*2*) It extends to the whole of the Bombay Presidency.

(*3*) In this Act the expression " the Medical Acts " means the Medical Act, 1858, and any Acts amending the same.

Bombay Medical Council.

[2][2. (*1*) A Council, herein referred to as " the Medical Council ", which shall be called " the Bombay Medical Council ", shall be established for the Presidency of Bombay.

(*2*) The Medical Council shall consist of thirteen members registered under this Act who shall be appointed in the following manner, namely :—

(*a*) a President nominated by the Governor in Council ;

(*b*) six members nominated by the Governor in Council ;

(*c*) four members elected by the Doctors, Bachelors and Licentiates of Medicine, and the Masters, Bachelors and Licentiates of Surgery of the University of Bombay who are registered under this Act;

(*d*) two members elected by the medical practitioners who are registered under this Act, and who are not Graduates in Medicine or Surgery or Licentiates in Medicine or Licentiates in Medicine and Surgery of the University of Bombay.

(*3*) Elections of members shall be held at such time and place and in such manner as the Medical Council shall direct by rules or regulations made from time to time in this behalf.]

Tenure of office.

3. (*1*) The members of the Medical Council shall hold office for a term of five years, and shall be capable of re-appointment.

(*2*) Any member may at any time resign his appointment by letter addressed to the President of the Medical Council.

(*3*) Upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (*2*) of section 2, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

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[1] *See* now s. 80 A of the Government of India Act.

[2] Section 2 was substituted by s. 2 of the Bombay Medical (Amendment) Act, 1918 (Bom. Act 4 of 1918), *infra*.

(4) (a) Leave of absence from India may be granted by the Medical Council to any member thereof for a period not exceeding six months.

(b) If any member of the Medical Council leaves India without the leave of the Medical Council, or does not return to India within the period of the leave granted by the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(c) In any case not provided for in clauses (a) and (b) if any member of the Medical Council shall absent himself from three consecutive meetings of the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

Time and place of meeting of Council.

4. The Medical Council [1]*** shall make such rules and regulations as may be necessary with respect to the times and places of the meeting of the Medical Council and the mode of summoning the same. In the absence of any rule or regulation as to the summoning of a meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member; and at every meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

Registrar and officers.

5. (1) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing, granting leave to or dismissing a Registrar or appointing a person to act as Registrar shall be subject to the previous approval of the Governor in Council. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as they may from time to time determine. Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act.

(2) The Medical Council with the previous approval of the Governor in Council may appoint such other officers or clerks as may be necessary for the purposes of this Act.

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[1] The words "shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint and," were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 4 of 1916), *infra*.

(3) The Registrar and any other officer or clerk appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the [1]Indian Penal Code.

XLV of 1860.

6. The Registrar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the Governor in Council from time to time directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered, and to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the names of all registered persons who have died; provided that the Governor in Council may prescribe a fee for the entry of any additional qualification. To enable the Registrar duly to fulfil the duties imposed upon him it shall be lawful for him to write a letter to any registered person according to his address on the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is returned to such letter within a period of six months from the sending of the letter, it shall be lawful to erase the name of such person from the register: provided that the same may be restored by direction of the Medical Council if they think fit to make an order to that effect.

Register.

[2][**7.** (1) Every person for the time being registered under the Medical Acts shall be entitled to be registered under this Act free of charge on informing the Registrar of the date of his registration under the Medical Acts and giving a correct description of his qualifications with the dates on which they were granted.

Persons entitled to be registered.

(2) Every person who is possessed of any of the qualifications described in the Schedule to this Act (subject to the provisions of section 20) shall be entitled to be registered under this Act on payment of a fee of fifteen rupees, and on giving evidence to the satisfaction of the Registrar of his possession of a qualification fitting him for registration.

(3) The Governor in Council may, after consulting the Medical Council, permit the registration of any person who was actually practising medicine in the Bombay Presidency before the 25th day of June, 1912.

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[1] General Acts, Vol. I.

[2] Section 7 was substituted by s. 8 of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 3 of 1916), *supra*.

(4) The Medical Council may refuse to permit the registration of any person who has been convicted of a cognizable offence as defined in the [1]Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the [2]Army Act or under the [3]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Medical Council of infamous conduct in any professional respect.]

V of 1898. 44 & 45 Vict., c. 58. VIII of 1911.

Appeals and erasure of incorrect entries.

8. (*1*) Any appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council under regulations which shall be made by the Medical Council in this behalf.

(2) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be erased from the register under the orders of the Medical Council.

Removal from register.

9. The Medical Council may direct that the name of any medical practitioner who has been convicted of a cognizable offence as defined in the [1]Code of Criminal Procedure, 1898, [4][or who, being or having been subject to military law, has been convicted under the [2]Army Act or under the [3]Indian Army Act, 1911, of an offence which is also a cognizab'e offence as so defined] or who after due enquiry has been held guilty by them of infamous conduct in any professional respect, shall be removed from the register, and may direct that any name so removed shall be re-entered.

V of 1898. 44 & 45 Vict, c. 58. VIII of 1911.

Qualified practitioners: certificates.

10. (*1*) [5]*** The expression "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall, in all Acts of the Governor of Bombay in Council and in all Acts of the Governor General in Council in their application to the Bombay Presidency, mean a medical practitioner registered either under the Medical Acts or under this Act.

(2) [5]*** No certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act.

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[1] General Acts, Vol. V.

[2] Collection of Statutes relating to India, Vol. I.

[3] General Acts, Vol. VII.

[4] These words and figures were inserted by s. 4 of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 8 of 1916), *infra.*

[5] The words "After the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 4 of 1916), *infra.*

11. [1] *** [2] [Except with the special sanction of the Governor in Council] no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, infirmary or lying-in-hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, unless he be registered under the Medical Acts or under this Act.

Unregistered persons not to hold certain appointments.

12. Every Registrar of deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

Notice of death.

13. The Medical Council shall have authority to call on the governing body or authorities of any Medical College or School and on any examining body included in or desirous of being included in the Schedule—

Medical Council authorised to call for information and attend examinations.

(*a*) to furnish such particulars as the Medical Council shall require of any course of study prescribed or examination held by such body or authority or in such School or College with reference to the grant of any medical or surgical qualification, and

(*b*) to permit any member of the Medical Council deputed by the Medical Council in this behalf to attend and be present at any such examination.

14. Notwithstanding anything in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest.

Exemption from serving on inquests.

15. There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the Governor in Council.

Fees payable to members.

16. All monies received by the Medical Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the Governor in Council.

Disposal of fees.

17. The Registrar shall in every year on or before a date to be fixed by the Medical Council cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register, and the dates when such qualifications

Annual Medical List.

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[1] The words "On the expiry of three months from the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 4 of 1916), *infra*.

[2] These words were inserted by s. 2, *ibid*.

were granted, in alphabetical order according to the surnames of the persons registered. Every Court shall presume that any person entered in such list is duly registered under this Act, and that any person who is not so entered is not registered.

Penalties.

18. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished on conviction by a Presidency Magistrate or a Magistrate of the first class with fine that may extend to three hundred rupees.

Rules and regulations.

19. (*1*) Subject to the provisions of this Act, the Medical Council may from time to time make rules and regulations generally to carry out the provisions of this Act:

Provided that no rules or regulations made by the Medical Council whether under this or under any of the foregoing sections of this Act shall have any force or effect unless the same shall have received the previous approval of the Governor in Council.

(*2*) All rules and regulations made by the Medical Council under this Act shall, when the same have received the approval of the Governor in Council, be published in the Bombay Government Gazette.

(*3*) It shall be lawful for the Governor in Council, by notification in the Bombay Government Gazette, to cancel any rule or regulation made under this Act.

Alteration in list of qualifications mentioned in the Schedule.

20. If it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any of the Colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Governor in Council from time to time by notification in the Bombay Government Gazette to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions

of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

21. If at any time it shall appear to the Governor in Council that the Medical Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the Governor in Council may notify the particulars of such default, excess or abuse to the Medical Council; and if the Medical Council fails to remedy such default, excess or abuse within such time as may be fixed by the Governor in Council in this behalf, the Governor in Council may for the purpose of remedying such default, excess or abuse cause any of the powers and duties of the Medical Council to be exercised and performed by such agency and for such period as he may think fit.

Contro

THE SCHEDULE.

1. Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad and Lahore.

2. Any person trained in a Government Medical College or School who holds a diploma or certificate granted by Government declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to be qualified for the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

BOMBAY ACT No. VII OF 1912.[1]

[THE BOMBAY SMOKE-NUISANCES ACT, 1912.]

[*27th June, 1912.*]

An Act for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.

WHEREAS it is expedient to enact a law for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, p. 383; for Report of Select Committee, *see ibid.* 1912, Pt. VII, p. 94; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 42 and 231.

to provide for the extension thereof to other areas in the Bombay Presidency; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Bombay Smoke-nuisances Act, 1912.

(2) It extends in the first instance to the Town and Island of Bombay.

Power to further extend Act.

2. (1) Government may, by notification published in the Bombay Government Gazette and in such other manner as Government may determine, declare its intention to extend this Act to any specified area in the Bombay Presidency other than the Town and Island of Bombay:

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the Governor General in Council.

(2) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to Government within a period of three months from the publication of the said notification in the Bombay Government Gazette.

(3) At any time after the expiration of the said period, and after considering the objections, if any, submitted under sub-section (2), Government may, by notification in the Bombay Government Gazette, extend this Act to the said area.

Definitions.

3. In this Act—

(1) "furnace" means any furnace or fire-place used—

(a) for working engines by steam, or

(b) for any other purpose whatsoever:

Provided that no furnace or fire-place—

(i) used for the burning of the dead;

(ii) used in a private house for domestic purposes other than the purpose specified in clause (a);

[1] * * * *

shall be deemed to be a furnace or fire-place within the meaning of this Act.

(2) "Inspector" means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act;

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[1] Clause (iii) was repealed by s. 2 of the Bombay Smoke-nuisances (Amendment) Act, 1920 (Bom. Act 3 of 1920), infra.

(3) "the Commission" means the Bombay Smoke-nuisances Commission constituted under this Act;

(4) "occupier" means any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used;

(5) "owner"—

(a) when used in reference to a furnace, includes any agent or lessee using the furnace, and any foreman or other person superintending the working of the furnace;

Bom. Act III of 1888

(b) when used in reference to any premises, has the meaning assigned to it in section 3 of the City of Bombay Municipal Act, 1888; and

(6) "Magistrate" means a Presidency Magistrate, a Magistrate of the first class, or a Bench of Magistrates exercising first class powers under the [2]Code of Criminal Procedure, 1898.

V of 1898.

Constitution of Commission.

4. (1) Government shall, by notification in the Bombay Government Gazette, constitute a Commission, to be called the Bombay Smoke-nuisances Commission, to supervise and control the working of this Act.

(2) The said Commission shall consist of a President nominated by Government and so many other members as Government may determine.

(3) One-half of the members (exclusive of the President) shall be nominated by Government; and the remainder shall be elected, in such manner and for such period, as Government may direct, by bodies or associations whose interests are likely to be affected by this Act; and the appointment of all members, whether nominated or elected, shall be notified in the Bombay Government Gazette.

(4) Where a casual vacancy occurs in the case of a nominated member Government shall make a fresh nomination, and where a casual vacancy occurs in the case of an elected member the election shall be made by the same body or association as that which elected the member whose place is to be filled; and a member so nominated or elected shall hold office so long as the member whose place he fills would have been entitled to hold office had the vacancy not occurred.

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Commission.

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[1] Vol. III of this Code.

[2] General Acts, Vol. V.

Appointment of Inspectors.

5. (1) Government may, by notification in the Bombay Government Gazette, appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as they may think fit.

(2) Every Assistant Inspector appointed under sub-section (1) shall be subordinate to the Chief Inspector, and all Inspectors shall be subordinate to, and subject to the control of, the Commission.

Inspectors to be public servants.

6. Every Inspector appointed under this Act shall, for the purposes of this Act be deemed to be a public servant within the meaning of the [1] Indian Penal Code. XLV of 1860.

Power to prohibit the erection of kilns or furnaces, or the manufacture of coke, in specified areas: and to inflict penalties.

7. (1) Government may, by notification in the Bombay Government Gazette, prohibit within any specified area—

(a) the erection of brick, tile or lime kilns,

(b) the erection of furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals or for the conversion of pig-iron into wrought iron, or

(c) the manufacture of coke in ovens or with special appliances, or

(d) the making of coke without ovens or special appliances :

Provided that where, prior to the issue of such notification, a license has been granted by the Municipal Commissioner under the provisions of section 394 of the [2] City of Bombay Municipal Act, 1888, for the erection of a furnace to be used for any of the purposes mentioned in clauses (a) and (b), such notification shall not affect such furnace or kiln. Bom. Act III of 1888.

(2) If any furnace or kiln be erected in contravention of any notification issued under sub-section (1), clause (a) or (b), the owner thereof shall be liable to fine which may extend to two hundred and fifty rupees.

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend on first conviction to two hundred and fifty rupees, and on any subsequent conviction to five hundred rupees.

If any person makes coke in contravention of any notification issued under sub-section (1), clause (d), he shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(5) If any coke is made in any building or place in contravention of a notification issued under sub-section (1), clause (d), the owner or occupier of

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[1] Genl. Acts, Vol. I.

[2] Vol. III of this Code.

such building or place shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(*6*) Where any coal is in process of being made or has been made into coke in contravention of a notification issued under sub-section (*1*), clause (*d*), an Inspector may seize such coal or coke, and report the seizure to a Magistrate who may, after such enquiry as he thinks necessary, order such coke or coal to be confiscated, and to be sold in accordance with rules to be made by Government in this behalf under section 11.

Power to order demolition of kilns or furnaces unlawfully erected.

8. (*1*) A Magistrate imposing a fine on any person under sub-section (*2*) of section 7 may by order direct such person to demolish the kiln or furnace within a period to be specified in the order.

(*2*) Any such person failing to demolish any kiln or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.

Penalty for excessive emission of smoke.

9. (*1*) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time, than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend on first conviction to fifty rupees, on second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees.

(*2*) Sub-section (*1*) shall not apply to any furnace which is used—

(*a*) in connection with a brick, tile or lime kiln, or

(*b*) for the purpose mentioned in clause (*d*) of sub-section (*1*) of section 7.

Powers of Inspectors.

10. (*1*) Any Inspector may, after giving reasonable notice in writing to the owner, manager, engineer or person in charge—

(*a*) enter and inspect, during working hours, any building or place which contains a furnace, and inspect such furnace;

(*b*) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from such furnace; and

(*c*) under the written authority of the Commission, direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace in respect of which a direction is given under clause (c) of sub-section (1) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees:

Provided that where any Inspector has reason to believe that any offence under sub-sections (2), (3) or (4) of section 7 has been or is being committed on any premises it shall be lawful for him to enter on such premises without previous notice and without written authority from the Commission.

Rules.

11. (1) Government may, [1] * * * * after previous publication, make [2]rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

(a) regulate the transaction of business by the Commission;

(b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties;

(c) prescribe a scale for the purpose of determining the density of smoke;

(d) prescribe the degree of density of smoke that may be emitted from a furnace;

(e) prescribe the time during which smoke of such density may be emitted from a furnace;

(f) prescribe the altitude below which smoke may not be emitted from a furnace;

* * * * *

(h) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution;

(i) fix the amount of fee payable to each or any member of the Commission attending a meeting of the Commission; and

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[1] The words "with the previous sanction of the Governor General in Council and" were repealed by s. 3 of the Bombay Smoke-nuisances (Amendment) Act 1920, (Bom. Act 8 of 1920), *infra*.

[2] For rules, *see* Bombay Local Rules and Orders.

[3] Clause (g) was repealed by s. 3 of the Bombay Smoke-nuisances (Amendment) Act 1920 (Bom. Act 8 of 1920), *infra*

(f) prescribe a procedure for the sale and disposal of the receipts of the sale of coke or coal confiscated under sub-section (6) of section 7.

(3) The date to be specified in accordance with clause (c) of section 24 of the [1]Bombay General Clauses Act, 1904, as that after which a draft of rules proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

Bom. Act I of 1904.

(4) Any rule to be made under this Act shall, before it is published for criticism under sub-section (1) be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

Cognizance of offences.

12. A Magistrate may take cognizance of an offence against this Act only—

(a) upon a complaint made by, or with the written authority of, the Chief Inspector, and

(b) within a period of two months from the date of the commission of the offence,

Disposal of fines.

13. All fines recovered under this Act shall be disposed of in such manner as Government may direct.

BOMBAY ACT No. VIII OF 1912.[2]

[THE KHOTI SETTLEMENT AMENDMENT ACT, 1912.]

[*29th June, 1912.*]

An Act further to amend the Khoti Settlement Act, 1880.

Bom. Act I of 1880.

Preamble.

WHEREAS it is expedient further to amend the [3]Khoti Settlement Act, 1880, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Khoti Settlement Amendment Act, 1912.

Bom. Act I of 1880.

Amendment of sections 9 and 10.

2. For sections 9 and 10 of the [3]Khoti Settlement Act, 1880, the following shall be substituted:—

[Vol. II of this Code.]

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[1]Vol. IV of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, p. 391; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 93; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 69 and 256.

[3]Vol. II of this Code.

BOMBAY ACT No. X OF 1912[1].

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1912.]

[*30th August, 1912.*]

An Act further to amend the Bombay District Municipal Act, 1901.

WHEREAS it is expedient further to amend the [2] Bombay District Municipal Act, 1901 (hereinafter referred to as "the said Act"), in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act of 1901.

New section 50-A. **1.** After section 50 of the said Act the following section shall be inserted, namely:—

[Vol. IV of this Code.]

Amendment of section 51. **2.** In section 51 of the said Act, for the words "the last preceding section," wherever they occur, the words "section 50" shall be substituted.

BOMBAY ACT No. XI OF 1912.[3]

[THE BOMBAY LAND-REVENUE CODE (AMENDMENT) ACT, 1912].

[*30th August, 1912.*]

An Act further to amend the Bombay Land-Revenue Code, 1879.

WHEREAS it is expedient further to amend the [4] Bombay Land-Revenue Code, 1879 (hereinafter referred to as "the said Act"), in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act of 1879.

Amendment of section 37. **1.** Section 37 of the said Act shall be numbered sub-section (*1*) of section 37, and the following sub-section shall be added thereto:—

[Vol. II of this Code.]

Amendment of section 129. **2.** Section 129 of the said Act shall be numbered sub-section (*1*) of section 129, and the following sub-section shall be added thereto:—

[Vol. II of this Code.]

Repeal of section 135. **3.** Section 135 of the said Act is hereby repealed.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Pt. VII, p. 2; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 186; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 251 and 493. The short title was given by Bom. Act 2 of 1921, *infra.*

[2] Vol. IV of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Pt. VII, p. 8; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 188, and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 244 and 484. The short title was given by Bom. Act 2 of 1921, *infra.*

[4] Vol. II of this Code.

BOMBAY ACT No. XII OF 1912.[1]

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1912.]

[*7th September, 1912.*]

An Act further to amend the Bombay Abkari Act, 1878.

Bom. Act V of 1878.

WHEREAS it is expedient further to amend the [2] Bombay Abkari Act, 1878, in manner hereinafter appearing ;

And whereas the previous sanction of the Governor General required by section 5 of the [3] Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Bom. Act V of 1878.

Amendments in section 3.

1. In section 3 of the [2] Bombay Abkari Act, 1878, hereinafter called " the said Act "—

(*a*) in clause (*1*), after the word " fine " the words and brackets " (other than a fine imposed by a Court of law) " shall be inserted ;

(*b*) to clause (*5*) the words " or a Magistrate of the third class specially authorized in this behalf by the District Magistrate " shall be added ;

(*c*) for clause (*7*) the following shall be substituted :—

[Vol. II of this Code.]

(*d*) to clause (*8*) the following shall be added :

[Vol. II of this Code.]

(*e*) to clause (*9*) the following proviso shall be added :

[Vol. II of this Code.]

(*f*) for clause (*10*) the following shall be substituted :

[Vol. II of this Code.]

(*g*) for clause (*11*) the following shall be substituted :

[Vol. II of this Code.]

(*h*) after clause (*13*) the following shall be added :

[Vol. II of this Code.]

New section 3A.

2. After section 3 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette 1912, Pt. VII, p. 127 ; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 405 ; and for Proceedings in Council, *see ibid*, 1912. Pt. VII, pp. 259, 500 and 664. The short title was given by Bom. Act 2 of 1921, *infra*.

[2] Vol. II of this Code.

[3] *See* now section 80 A of the Government of India Act.

New Chapter III.

3. For Chapter III of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of sections 14 and 14A and new section 14B.

4. For sections 14 and 14A of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 15.

5. For section 15 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

New section 15A.

6. After section 15 of the said Act the following shall be inserted : —

[Vol. II of this Code.]

Amendment of section 16.

7. (*1*) Section 16 of the said Act shall be numbered sub-section (*1*) of section 16 and in the said sub-section—

(*a*) for the words "liquor, no hemp and no intoxicating drug" the words "excisable article or hemp" shall be substituted;

(*b*) the first proviso is hereby repealed;

(*c*) for the words "provided further" the word "provided" shall be substituted;

(*d*) after the second proviso the following shall be added :—

[Vol. II of this Code.]

(*2*) Below sub-section (*1*) of section 16 of the said Act the following shall be added :—

[Vol. II of this Code.]

Amendment of section 17.

8. For section 17 of the said Act the following shall be substituted :—.

[Vol. II of this Code.]

8A. After section 17 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Amendment of section 18.

9. (*1*) In section 18 of the said Act, for the phrase "clause (*?*) of section 12" the phrase "section 13" shall be substituted.

(*2*) In section 18 of the said Act the words "provided that" are hereby repealed, and before the word "all" the words "any or" shall be inserted, and the second paragraph of the said section as thus amended shall be constituted a separate section and shall be numbered section 18A of the said Act and the present section 18A of the said Act shall be numbered section 18B.

10. For section 19 of the said Act the following shall be substituted :— Amendment of section 19 and new section 19A.

[Vol. II of this Code.]

11. In section 20 of the said Act after the words "period during which such tree is tapped" the words "or licensed to be tapped" shall be inserted. Amendment of section 20.

12. Sections 24, 26, 27, 27A to 27E and section 28 of the said Act are hereby repealed. Repeal of sections 24 and 26 to 28.

13. In section 29 of the said Act the words "any such farmer from such farmer's licensee in respect of a license, or to" are hereby repealed. Amendment of section 29.

14. For section 30 of the said Act the following shall be substituted :— Amendment of section 30.

[Vol. II of this Code.]

15. In section 31 of the said Act for the words "liquor or intoxicating drug" the words "excisable article or hemp" shall be substituted. Amendment of section 31.

16. For section 32 of the said Act the following shall be substituted :— Amendment of section 32 and new sections 32A and 32B.

[Vol. II of this Code.]

17. In section 33 of the said Act— Amendment of section 33.

(*a*) for the word "liquor" where it occurs for the first time the words "any excisable article" shall be substituted;

(*b*) in clause (*a*) after the word "measures" the words "and weights" shall be inserted; and

(*c*) in clause (*b*) for the words "out or test the strength or quality of any liquor" the words "weigh or test any excisable article" shall be substituted.

18. In section 34 of the said Act for the words "the person primarily liable" the words "any person liable" shall be substituted; Amendment of section 34.

19. For section 35 of the said Act the following shall be substituted :— Amendment of section 35 and new section 35A.

[Vol. II of this Code.]

20. In section 36 of the said Act— Amendment of section 36.

(*a*) for the expressions "any liquor, hemp or intoxicating drug," "any such liquor, hemp or drug," "liquor, hemp, drugs," "liquor, hemp or any intoxicating drug," "any liquor, hemp or drug," respectively, the expression "any excisable article or hemp" shall be substituted, and for the expression "liquor or any intoxicating drug" in clause (*b*) the expression "any excisable article" shall be substituted;

(*b*) in clause (*a*) after the word "night" the words "any land on which toddy-producing trees are growing, whether such trees are licensed for tapping or not, and" shall be inserted;

(c) in clauses (b) and (c) after the word "vessel" the word "vehicle" shall be inserted.

Amendment of section 37.

21. In section 37 of the said Act for the expressions "liquor, hemp or intoxicating drug" and "such liquor, hemp, drug" the expression "excisable article, hemp" shall be substituted.

New sections 38A, 38B, 38C and 38D.

22. After section 38 of the said Act the following shall be inserted :—

[Vol. II of this Code.]

Amendment of section 39 and new section 39A.

23. For section 39 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 40.

24. In section 40 of the said Act for the expressions "liquor, hemp or intoxicating drug" and "liquor, hemp, intoxicating drug" the expression "excisable article or hemp" shall be substituted.

New sections 41 to 41C.

25. For section 41 of the said Act the following shall be substituted :—

[Vol. II of this Code.]

Amendment of section 42.

26. In section 42 of the said Act.

(a) for the words "liquor or any intoxicating drug" the words "any excisable article" shall be substituted ;

(b) in the second sentence, for the words "in the event of the occurrence of a riot or unlawful assembly" the words "if a riot or unlawful assembly is imminent or occurring" shall be substituted.

Amendment of section 43.

27. For sub-section (1) of section 43 of the said Act the following shall be substituted : —

[Vol. II of this Code.]

Amendment of section 44.

28. In section 44 of the said Act—

(a) in clause (a) after the word "measures" the words "and weights" and after the word "measuring" the words "and weighing" shall be inserted and for the word "liquor" where it occurs for the first time the words "any excisable article" shall be substituted ;

(b) in clause (b) after the word "measure" the word "weigh" shall be inserted and for the words "the strength or quality of any liquor" the words "any excisable article" shall be substituted.

Amendment of section 45.

29. In section 45 of the said Act,

(a) after the words "whoever, being the holder of a license, permit or pass granted under this Act," the words "or a person in the employ of such holder or acting with his express or implied permisson on his behalf" shall be inserted ;

(*b*) in clause (*a*) for the words "Abkári-officer duly empowered to make such demand, or of any officer of the departments named in section 39, superior in rank to a peon or constable" the words "duly empowered officer either of the A'bkári Department or of any of the departments named in section 39 if such license, permit or pass is in his possession or control" shall be substituted ;

(*c*) in clause (*e*), for the words "his license" the words "such license, permit or pass" shall be substituted ;

(*d*) clauses (*d*), (*e*), (*f*) and (*g*), and the word "or" at the end of clause (*c*), are hereby repealed ;

(*e*) for the words "shall be punished for each such offence with fine which may extend to one hundred rupees" the following shall be substituted :

[Vol. II of this Code.]

30. After section 45 of the said Act the following shall be inserted :— New section 45A.

[Vol. II of this Code.]

31. In section 46 of the said Act, Amendment of section 46.

(*a*) for the words "whoever being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Act," the words "whoever being the holder of a license for the sale or manufacture of any excisable article under this Act, or a person in the employ of such holder or acting with his express or implied permission in his behalf" shall be substituted ;

(*b*) in clause (*a*)

(*i*) for the words "liquor or intoxicating drug" the words "excisable article" shall be substituted ;

(*ii*) for the phrase "section 35, clause (*h*)" the phrase "clause (*f*) (*i*) of section 35A" shall be substituted ;

(*iii*) after the phrase so substituted the following shall be inserted :

[Vol. II of this Code.]

(*c*) in clauses (*b*), (*c*) and (*d*) the words "European or" are hereby repealed ;

(*d*) after clause (*d*) the following shall be inserted :

[Vol. II of this Code.]

Repeal of section 47.

32. (*1*) Section 47 of the said Act is hereby repealed.

(*2*) In the place of section 47 of the said Act repealed the following section, to be numbered section 47 of the said Act, shall be inserted:—

[Vol. II of this Code.]

New section 49A.

33. After section 49 of the said Act the following shall be inserted:—

[Vol. II of this Code.]

Amendment of section 50 and new section 50A.

34. For section 50 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

Amendment of section 51.

34A. In the third paragraph of section 51 of the said Act, the words "of any other department" are hereby repealed.

Amendment of section 52

35. In section 52 of the said Act, the words "of any of the departments" are hereby repealed, and for the words "assist any Abkári-officer in carrying out the provisions of this Act" the words "give information or to take preventive measures or to give assistance to an Abkári-officer in the manner required by the said section" shall be substituted.

Amendment of section 53.

36. In section 53 of the said Act,

(*a*) the words "or section 47" are hereby repealed;

(*b*) after the words "shall be presumed" the words "without further evidence" shall be inserted;

(*c*) for the words "those sections" the words "that section" shall be substituted;

(*d*) for the expression "any liquor or hemp or intoxicating drug, the expression "any excisable article or hemp" shall be substituted;

(*e*) for the expressions "liquor or intoxicating drugs" and "liquor or of any intoxicating drug," respectively, the expression "any excisable article" shall be substituted;

(*f*) the second paragraph is hereby repealed.

Amendment of sections 54 and 55 and new section 55A.

37. For sections 54 and 55 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

Repeal of sections 58, 58A and 59.

38. Sections 58, 58A and 59 of the said Act are hereby repealed.

39. In section 61 of the said Act, the words "or Act XVI of 1863 (*An Act to make special provision for the levy of the Excise duty payable on spirits used exclusively in arts and manufactures or in chemistry*)" are hereby repealed. Amendment of section 6

40. In section 62 of the said Act, Amendment of section 6

(*a*) after the words "any such article" the words "or class of such articles" shall be inserted;

(*b*) after the words "local area or place" the words "or generally" shall be inserted.

41. After section 63 of the said Act the following shall be inserted:— New section 64

[Vol. II of this Code.]

XVI of 1863. **42.** "The Excise (Spirits) Act, 1863," shall be repealed as to the Presidency of Bombay. Local repeal of Act XVI of 1863.

BOMBAY ACT No. XIII OF 1912.[1]

[THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.]

[*29th November, 1912.*]

An Act to amend the Indian Limitation Act, 1908.

IX of 1908. WHEREAS it is expedient to amend the [2]Indian Limitation Act, 1908, in the manner hereinafter appearing:

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Limitation (Amendment) Act, 1912. Short title.

IX of 1908. **2.** Notwithstanding anything contained in the [2]Indian Limitation Act, 1908, hereinafter called "the said Act", in computing the period of two years mentioned in section 31 of the said Act in the case of any suit by a Amendment of section 3

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[1]For Statement of Object and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 536 and for Proceedings in Council, *see ibid*, 1912, Part VII, pages 787 and 866.

[2]General Acts, Vol. VI.

[3]*See* now section 80A of the Government of India Act.

mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the [1]Dekkhan Agriculturists' Relief Act, 1879, is required the time intervening between the application made by the mortgagee under section 39 of the last mentioned Act, and the institution of such suit shall be excluded, provided that such suit has already been instituted, or is instituted within six months from the commencement of this Act; and no such suit shall be dismissed on the ground that the certificate was not obtained within the year immediately preceding the filing of the suit.

XVII of 1879.

Applicability of section 4 of the Indian Limitation Act, 1908.

3. The period of two years mentioned in section 31 of the said Act shall for the purposes of this Act be deemed to be a period of limitation within the meaning of section 4 of the said Act.

Retrospective effect of section 3.

4. The provisions of section 3 shall be deemed to have come into operation from the seventh day of August, 1908.

Provision for restoration of suits.

5. (*1*) Where the claim of a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the [1]Dekkhan Agriculturists' Relief Act, 1879, is required has been wholly or in part dismissed or withdrawn after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such claim was so dismissed or withdrawn on the ground that—

XVII of 1879.

(*a*) the time intervening between the application made by the mortgagee under section 39 of the [1]Dekkhan Agriculturists' Relief Act, 1879, and the grant of the certificate under section 46 of the last mentioned Act or the institution of the suit, as the case may be, could not be excluded in computing the period of two years mentioned in section 31 of the said Act, or

XVII of 1879.

(*b*) the certificate was not obtained within the year immediately preceding the filing of the suit, or

(*c*) the period of two years mentioned in section 31 of the said Act was not a period of limitation within the meaning of section 4 of the said Act,

the case shall be restored on an application in writing to the Court, by which the claim was dismissed or in which it was withdrawn; provided that such application is made within six months from the commencement of this Act.

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[1]Vol. I of this Code.

(2) Where any such claim as aforesaid has been dismissed for failure to prosecute such claim after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such failure was due to the belief that such claim, if prosecuted, would be dismissed for any of the grounds specified in clauses (*a*), (*b*) and (*c*) of sub-section (*1*),

the case shall be restored on an application in writing to the Court by which the claim was dismissed; provided that such application is made within six months from the commencement of this Act.

(3) The provisions of sections 2, 3 and 4 shall apply to any case restored under either of the foregoing sub-sections.

XVII of 1879.

Provision for restoration of applications.

6. Any application by the mortgagee under section 39 of the [1]Dekkhan Agriculturists' Relief Act, 1879, in respect of any claim for sale or foreclosure as to which the mortgagee was entitled to the benefit of the two years' period mentioned in section 31 of the said Act, made on or before the eighth day of August, 1910, and dismissed after the twenty-third day of February, 1911, shall be restored to the file of the Conciliator provided that the application for such restoration is made within two months from the commencement of this Act.

Third parties protected.

7. Nothing in this Act shall affect the interests of third parties that may have come into existence between the twenty-third of February, 1911, and the twenty-eighth of September, 1912.

BOMBAY ACT No. I OF 1913.[2]

[THE CITY OF BOMBAY IMPROVEMENT (AMENDMENT) ACT, 1913.]

[*3rd January, 1913.*]

An Act further to amend the City of Bombay Improvement Act, 1898.

Bom. Act IV of 1898.

WHEREAS it is expedient further to amend the [3]City of Bombay Improvement Act, 1898, hereinafter called "the said Act," in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the City of Bombay Improvement (Amendment) Act, 1913.

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[1] Vol. I of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 495; for Report of Select Committee, *see ibid*, 1912, Part VII, page 587; and for Proceedings in Council, *see ibid*, 1912, Part VII, pages 683 and 790.

[3] Vol. IV of this Code.

Amendment of section 15.

2. In section 15, sub-section *(1)*, clause *(b)*, of the said Act, for the words "six consecutive ordinary meetings of the Board" the words "all the meetings of the Board for a period of three months" shall be substituted.

Amendment of section 16.

3. In section 16, sub-section *(2)*, of the said Act, for the words "which he may be liable to pay under the Civil Service Regulations" the words "payable on his account under any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service" shall be substituted.

Amendment of section 22.

4. *(1)* In section 22, sub-section *(2)*, of the said Act, for the words "the Civil Service Regulations" the words "any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service" shall be substituted.

(2) After sub-section *(3)* of section 22 of the said Act, the following sub-section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 23.

5. In section 23 of the said Act, after the words "the improvement of such area", the following words shall be inserted, namely :—

[Vol. IV of this Code.]

Insertion of new section after section 23.

6. After section 23 of the said Act, the following section shall be inserted, namely :—

[Vol. IV of this Code.]

New section 24A.

7. After section 24 of the said Act the following section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 27.

8. In section 27, sub-section *(1)*, clause *(a)* of the said Act, for the words "thirty days" the words "three months" shall be substituted.

New sections 27A and 27B.

9. After section 27 of the said Act, the following sections shall be inserted :—

[Vol. IV of this Code.]

10. (*1*) In section 32 of the said Act after the expression "27", the expression "27A, 27B" shall be inserted.

Amendment of section 32 and new section 32A.

(*2*) After section 32 of the said Act the following heading and section shall be inserted :—

[Vol. IV of this Code.]

11. After section 32A of the said Act the following heading and sections shall be inserted :—

New sections 32B to 32I.

[Vol. IV of this Code.]

12. In section 35, sub-section (*1*), of the said Act, for the words "thirty days" the words "three months" shall be substituted.

Amendment of section 35.

13. For section 40 of the said Act the following section shall be substituted, namely :—

Amendment of section 40.

[Vol. IV of this Code.]

14. For section 41 of the said Act and the heading appearing immediately above the same, the following heading and section shall be substituted, namely :—

Substitution of section for section 41.

[Vol. IV of this Code.]

15. After sub-section (*2*) of section 45 of the said Act, the following sub-section shall be inserted :—

Amendment of section 45.

[Vol. IV of this Code.]

16. In section 47 of the said Act,

Amendment of section 47.

(*a*) in sub-section (*2*) for the expression "25, 30 or 38" the expression "23, 30, 32B or 38" shall be substituted ; and

(*b*) in sub-section (*3*) for the expression "29, 32 or 39" the expression "29, 32, 32D or 39" shall be substituted.

(*c*) to sub-section (*3*) the following provisos shall be added :—

[Vol. IV of this Code.]

17. (*1*) For sub-section (*2*) of section 48 of the said Act the following shall be substituted :—

Amendment of section 48.

[Vol. IV of this Code.]

(2) After sub-section (1z) of section 48 of the said Act the following sub-section shall be added, namely :—

[Vol. IV of this Code.]

Amendment of section 51.

18. For section 51 of the said Act the following shall be substituted :—

[Vol. IV of this Code.]

New section 51A.

19. After section 51 of the said Act the following shall be inserted :—

[Vol. IV of this Code.]

Amendment of section 53.

20. In section 53 of the said Act after the word "which" the words "and the time at which" shall be inserted.

Repeal of section 54.

21. Section 54 of the said Act is hereby repealed.

New sections 58A and 58B.

22. After section 58 of the said Act the following sections shall be inserted :—

[Vol. IV of this Code.]

Amendment of section 60.

23. (1) For sub-section (2) of section 60 of the said Act the following shall be substituted :—

[Vol. IV of this Code.]

(2) In sub-section (5) of the said section, for the words "remain unappropriated" the words "remain unsurrendered, unappropriated to building purposes" shall be substituted, and the word "and" where it occurs after the word "Act" shall be repealed.

(3) In sub-section (6) of the said section, for the words "except those appropriated to the purpose mentioned in clause (c) of sub-section (3)" the words "except those appropriated as open spaces" shall be substituted.

(4) After sub-section (6) of the said section the following sub-sections shall be inserted :—

[Vol. IV of this Code.]

(*5*) In sub-section (*7*) of the said section the last 24 words and the figures "51 (*1*)" shall be deleted.

(*6*) After sub-section (*7*) of the said section the following sub-section shall be added :—

[Vol. IV of this Code.]

24. (*1*) In sub-section (*3*) of section 61 of the said Act for the words "the value of the land as determined under section 51 (*2*) and the liability (if any) of the Board to Government under section 70 in respect of the land shall be remitted" the following words shall be substituted, namely :— Amendment of section 61.

[Vol. IV of this Code.]

(*2*) To section 61 of the said Act the following proviso shall be added namely :—

[Vol. IV of this Code.]

25. For section 62 of the said Act the following section shall be substituted, namely :— Amendment of section 62.

[Vol. IV of this Code.]

26. For section 64 of the said Act the following shall be substituted :— Amendment of section 64.

[Vol. IV of this Code.]

27. Sections 66, 67, 68, 69, 70 and 71 of the said Act are hereby repealed. Repeal of sections 66, 67, 68, 69, 70 and 71.

27A. After section 71 of the said Act the following shall be inserted :— New section 71A.

[Vol. IV of this Code.]

28. For section 72 of the said Act the following shall be substituted :— Amendment of section 72.

[Vol. IV of this Code.]

29. (*1*) Section 73 of the said Act is hereby repealed. Repeal of section 73.

(*2*) The amendment contained in sub-section (*1*) shall be deemed to have been made and to have effect from the 30th November, 1911, so that no further payment shall be made by the Commissioner to the Board or by the Board to the Commissioner, as the case may be, under section 73 (*2*) subsequent to the above date.

Repeal of section 76 and of part of section 77.

30. (*1*) Section 76 of the said Act is hereby repealed.

(*2*) In clause (*a*) of sub-section (*1*) of section 77 of the said Act the words "and all payments for interest charges due under sections 68 and 70" are hereby repealed.

Amendment of section 79.

31. (*1*) Sub-section (*3*) of section 79 of the said Act is hereby repealed.

(*2*) The amendment contained in sub-section (*1*) shall be deemed to have been made and to have effect from the 31st March, 1912, so that the provisions of sub-section (*3*) of section 79 of the Act shall not apply to any balance remaining at the end of the official year ending on the 31st March, 1912.

Amendment of sections 80 to 82.

32. For sections 80 to 82 of the said Act the following shall be substituted :—

[Vol. IV of this Code.]

New section 89A.

33. After section 89 of the said Act the following heading and section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of Schedule C.

34. In Schedule C to the said Act, for the entry relating to plot 1, *the Flats*, the following shall be substituted :—

[Vol. IV of this Code.]

BOMBAY ACT No. II OF 1913.[1]

[THE BOMBAY COURT OF WARDS AMENDMENT ACT, 1913.]

[*22nd May, 1913.*]

An Act to amend the Bombay Court of Wards Act, 1905.

WHEREAS it is expedient to amend the [2]Bombay Court of Wards Act, 1905, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. Act I of 1905.

Short title.

1. This Act may be called the Bombay Court of Wards Amendment Act, 1913.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 911; for Report of Select Committee, *see ibid*, 1913, Part VII, page 19; and for Proceedings in Council, *see ibid*, 1913, Part VII, pages 76 and 186.

[2]Vol. IV of this Code.

Bom. Act I of 1905.

Amendment of section 2

2. In section 2 of the [1]Bombay Court of Wards Act, 1905, hereinafter called "the said Act,"

(*a*) for paragraph (*ii*) of clause (*b*) the following shall be substituted, namely:—

[Vol. IV of this Code.]

(*b*) after clause (*b*) the following shall be inserted, namely:—

[Vol. IV of this Code.]

Amendment of section 4.

3. In section 4 of the said Act, after the word "land" the words "or of any pension-holder receiving a pension" shall be inserted.

Amendment of sections 4, 5, 8, 9, 10, 11, 12, 13 and 40.

4. (*1*) In sections 4, 8, 9, 10, 11, 12, 13 and 40 of the said Act, after the word "land-holder," wherever it occurs, the words "or pension-holder" shall be inserted.

(*2*) In sections 5, 8 and 40 of the said Act, after the word "land-holders" the words "or pension-holders" shall be inserted.

(*3*) In section 12 of the said Act, after the word "land" the words "or receives a pension" shall be inserted.

Amendment of section 8.

5. To sub-section (*1*) of section 8 of the said Act the following words shall be added, namely:—

[Vol. IV of this Code.]

Amendment of section 27.

6. For section 27 of the said Act the following shall be substituted, namely:—

[Vol. IV of this Code.]

7. For section 29 of the said Act the following shall be substituted, namely:—

[Vol IV of this Code.]

Amendment of section 43

8. To sub-section (*1*) of section 43 of the said Act, the following proviso shall be added, namely:—

[Vol. IV of this Code.]

9. After section 44 of the said Act the following section shall be inserted, namely:—

[Vol IV of this Code.]

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[1] Vol. IV of this Code.

BOMBAY ACT No. III OF 1913.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1913.]

[22nd May, 1913.]

An Act further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the [2]Bombay Port Trust Act, 1879 (Bom. VI of 1879); It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bombay Port Trust (Amendment) Act, 1913.

Amendment of section 13. **2.** In section 13 (*3*) of the [2]Bombay Port Trust Act, 1879, hereinafter called "the said Act", for the words "shorter period" the words "period not longer" shall be substituted. Bom. Act VI of 1879

Amendment of section 16. **3.** In section 16 (*6*) of the said Act for the words "two-thirds" the words "one-half, not being less than three in number," shall be substituted.

Amendment of section 39 and repeal of section 40. **4.** (*1*) For the second and third paragraphs of section 39 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

(2) Section 40 of the said Act is hereby repealed.

Insertion of new sections 41A and 41B. **5.** After section 41 of the said Act the following sections shall be inserted:—

[Vol. II of this Code.]

Amendment of section 42. **6.** To the first paragraph of section 42 of the said Act the following shall be added:—

[Vol. II of this Code.]

Insertion of new sections 42C, 42D and 42E. **7.** After section 42B the following sections shall be inserted:—

[Vol. II of this Code.]

Repeal in part of section 43B. **8.** In sub-section (*2*) of section 43B of the said Act the words "with the previous sanction of Government" are hereby repealed.

Insertion of new section 60A. **9.** After section 60 of the said Act the following section shall be inserted:—

[Vol. II of this Code.]

[1] For Statement of Objects and Reasons *see* Bombay Government Gazette, 1912, Part VII, page 752; for Report of Select Committee, *see ibid*, 1913, Part VII, page 24; and for Proceedings in Council, *see ibid*, 1913, Part VII, pages 82 and 181.

[2] Vol. II of this Code.

BOMBAY ACT No. IV OF 1913.[1]

[THE BOMBAY LAND-REVENUE (AMENDMENT) ACT, 1913.]

[*28th May, 1913.*]

An Act to amend the [2]Bombay Land-revenue Code, 1879, the [2]Khoti Settlement Act, 1880, and the [3]Gujarat Talukdars Act, 1888, and to repeal the Bombay Land Record-of-rights Act, 1903.

Bom. Act V of 1879. Bom. Act I of 1880. Bom. Act VI of 1888. Bom. Act IV of 1903.

WHEREAS it is expedient to amend the [2]Bombay Land-revenue Code, 1879, the [2]Khoti Settlement Act, 1880, and the [3]Gujarat Talukdars Act, 1888, in manner hereinafter appearing, and to repeal the Bombay Land Record-of-rights Act, 1903; And whereas the previous sanction of the Governor General required by section 5 of the [4]Indian Councils Act, 1892, has been obtained for the passing of section 41 of this Act; It is hereby enacted as follows:—

PART I.

GENERAL.

Short title.

1. This Act may be called the Bombay Land-revenue (Amendment) Act, 1913.

Repeal. Bom. Act IV of 1903.

2. The Bombay Land Record-of-rights Act, 1903, shall be repealed.

Previous amending Acts.

3. Wherever this Act amends an enactment which has previously been amended by an Act passed before the commencement of this Act, then any of the provisions of such previous amending Act which may be inconsistent with any of the provisions of this Act shall be repealed to the extent to which they are inconsistent therewith.

PART II.

THE BOMBAY LAND-REVENUE CODE, 1879.

Amendment of section 1. Bom. Act V of 1879.

4. (*1*) The first paragraph of section 1 of the Bombay Land-revenue Code, 1879 (hereinafter in this Part called "the said Act"), shall be numbered sub-section (*1*) of section 1.

(*2*) For the second paragraph of the said section the following sub section shall be substituted :—

[Vol. II of this Code.]

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 905; for Report of Select Committee, *see ibid*, 1913, Part VII, page 28; and for Proceedings in Council, *see ibid*, 1913, Part VII, pages 56 and 134.

[2]Vol. II of this Code.

[3]Vol. III of this Code.

[4]*See* now section 80A of the Government of India Act.

(3) For the third paragraph of the said section the following sub-section shall be substituted :—

[Vol. II of this Code.]

Repeal of section 2.

5. Section 2 of the said Act shall be repealed.

Amendment of section 3.

6. The following amendments shall be made in section 3 of the said Act :—

(*a*) clause (*3*) (defining "Collector") shall be repealed;

(*b*) in clause (*6*) (defining "survey number") for the words "other particulars" the word "assessment" shall be substituted; for the words "survey records" the words "land records" shall be substituted; and the portion from the words "survey records" to the end of the clause shall be repealed:

(*c*) for clause (*7*) (defining "recognized share of a survey number") the following shall be substituted:

[Vol. II of this Code.]

(*d*) after the last mentioned definition the following clause shall be inserted :

[Vol. II of this Code.]

(*e*) for clauses (*10*), (*11*) and (*12*) the following shall be substituted:

[Vol. II of this Code.]

(*f*) for clauses (*13*) and (*14*) the following shall be substituted :

[Vol. II of this Code.]

(*g*) for clause (*15*) the following shall be substituted :

[Vol. II of this Code.]

(*h*) for clauses (*16*), (*17*) and (*18*) (defining "occupant", "registered occupant" and "occupancy"), the following shall be substituted :

[Vol. II of this Code.]

(*i*) for clause (*20*) (defining "village, town or city") the following shall be substituted :

[Vol. II of this Code.]

(*j*) the following clauses shall be added to the said section :

[Vol. II of this Code.]

(*k*) the clauses of the said section, as hereinbefore amended, shall be numbered consecutively.

7. To the third paragraph of section 4 of the said Act the following words shall be added :— Amendment of section 4.

[Vol. II of this Code.]

8. In section 7 of the said Act, the words "number of", wherever they occur, shall be repealed. Amendment of section 7.

9. (*1*) In section 13 of the said Act, for the words "appoint a Mahálkari to be in charge of a defined portion of a táluká" the words "appoint to a táluká one or more Mahálkaris" shall be substituted; for the words "assign to him" the words "assign to a Mahálkari" shall be substituted; and the following words shall be added to the said section : Amendment of sections 13 and 14.

[Vol. II of this Code.]

(*2*) In section 14 of the said Act the last sixteen words shall be repealed.

10. In sections 21 and 32 of the said Act the words "or orders" shall be repealed. Amendment of sections 21 and 32.

11. In section 38 of the said Act for the words "appropriated or assigned" the word "used" shall be substituted. Amendment of section 38.

12. In section 42 of the said Act— Amendment of section 42.

(*a*) for the first paragraph the following shall be substituted :—

[Vol. II of this Code.]

(*b*) the third and fourth paragraphs are hereby repealed.

13. In section 47 of the said Act, the words "nor less than one-tenth of the holding", and the portion from the phrase "The word 'holding'" to the end of the section, shall be repealed. Amendment of section 47.

14. For section 48 of the said Act, the following shall be substituted :— Amendment of section 48.

[Vol. II of this Code.]

15. In section 52 of the said Act, the words "or orders" and the words "by general or special orders of Government in this behalf" shall be repealed. Amendment of section 52.

16. In section 54 of the said Act, the portion from the phrase "If the said person" to the end of the section shall be repealed. Amendment of section 54.

17. In section 56 of the said Act, the words "or orders" shall be repealed. Amendment of section 56.

18. In section 57 of the said Act, the words "the land embraced within" shall be repealed. Amendment of section 57.

19. For the title of chapter VI of the said Act, the following shall be substituted: "OF THE GRANT, USE AND RELINQUISHMENT OF UNALIENATED LAND." Title of chapter VI.

Amendment of section 61.

20. In section 61 of the said Act for the phrases "appropriated to" and "appropriated it to" respectively, the phrases "used for" and "used it for" shall be substituted; and the words "or orders" shall be repealed.

Amendment of section 62.

21. For section 62 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

Amendment of section 63.

22. For section 63 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

Amendment of section 64.

23. In section 64 of the said Act the words "and occupation", the words "and also exceeds one-tenth of the area of his holding", and the portion from the phrase "The word 'holding'" to the end of the section, shall be repealed, and for the words "half an" the word "one" shall be substituted.

Amendment of section 65.

24. In section 65 of the said Act,

(*a*) for the words "appropriated for purposes of agriculture" the words "assessed or held for the purposes of agriculture" shall be substituted; for the words "occupation for the purposes aforesaid" the words "use for the purpose aforesaid" shall be substituted; for the words "wishes to appropriate his holding or any part thereof to any other purpose" the words "wishes to use his holding or any part thereof for any other purpose" shall be substituted; and for the words "appropriated to any purpose unconnected with agriculture" the words "permitted to be used for any purpose unconnected with agriculture" shall be substituted;

(*b*) the word "registered", where it occurs twice, shall be repealed.

Amendment of section 66.

25. In section 66 of the said Act,

(*a*) for the word "appropriated", wherever it occurs, the word "used" shall be substituted; and for the words "appropriate any such land to" the words "use any such land for" shall be substituted;

(*b*) the words "co-occupant or any", and the word "registered", wherever it occurs, shall be repealed.

Amendment of section 67.

26. In section 67 of the said Act, the words "in special cases" shall be repealed, and for the words "agreed on between Government and the registered occupant" the words "prescribed by the Collector, subject to any rules made in this behalf by the Governor in Council" shall be substituted.

Amendment of section 68.

27. In section 68 of the said Act for the word "occupancy", in the first and second places where it occurs, the word "tenure" shall be substituted; and for the words "the orders of Government" the words "rules made by the Governor in Council in this behalf" shall be substituted.

28. In section 70 of the said Act,

Amendment of section 70.

(*a*) the portion from the beginning of the section to, and including, the words "provided that" shall be repealed;

(*b*) for the words "the occupancy or interest of the occupant in the land" the words "and occupancy" shall be substituted; for the words "the transfer" the words "a transfer" shall be substituted; and for the words "ordered by the Court" the words "ordered by a Civil Court" shall be substituted;

(*c*) the phrases "or interest" and "or interest in the land", wherever they occur in clauses (*a*) and (*b*), shall be repealed.

29. Section 71 of the said Act shall be repealed.

Repeal of section 71.

30. In section 73 of the said Act, for the phrases "The right of occupancy" and "occupancy" respectively, the phrases "An occupancy" and "tenure" shall be substituted.

Amendment of section 73.

31. In section 73A of the said Act for the words "the occupancy or interest of the occupant in the land" the word "occupancies" shall be substituted.

Amendment of section 73A.

32. For section 74 of the said Act the following shall be substituted:—

Amendment of section 74.

[Vol. II of this Code.]

33. (*1*) Section 75 of the said Act shall be repealed.

(*2*) In section 76 of the said Act, for the words "the two last sections" the words "the last section" shall be substituted.

Repeal of section 75 and amendment of section 76.

34. In section 78 of the said Act, for the phrase "sections 75 and 76" the phrase "section 74" shall be substituted; and clause (*a*) and the letter "(*b*)" at the commencement of clause (*b*) shall be repealed.

Amendment of section 78.

35. Section 79 of the said Act shall be repealed.

Repeal of section 79.

36. In section 79A of the said Act, for the phrase "of which the occupancy right" the word "which" shall be substituted; and for the words "annexed to the occupancy" the words "annexed to the tenure" shall be substituted.

Amendment of section 79A.

37. In section 80 of the said Act,

Amendment of section 80.

(*a*) for the words "co-occupant, tenant, mortgagee or other person interested in the continuance of the occupancy" the words "person interested" shall be substituted;

(*b*) after the words "the Collector may" the expression "under section 86" shall be inserted;

(c) for the words "such aid for the recovery of the proportional amounts" the words "aid for the recovery of any portion of such land-revenue" shall be substituted;

(d) the word "registered," wherever it occurs, shall be repealed;

(e) the words "in occupation of parts of a field or survey number as he might legally have given, had the persons so paying been the registered occupants" shall be repealed.

Repeal of section 81.

38. Section 81 of the said Act shall be repealed.

Amendment of section 87.

39. In section 87 of the said Act the four paragraphs shall be numbered sub-sections (*1*), (*2*), (*3*) and (*4*) and the following sub-section shall be added thereto:—

[Vol. II of this Code.]

Amendment of sections 88 and 89.

40. (*1*) In section 88 of the said Act for the words "Governor in Council" the word "Commissioner" shall be substituted

(*2*) In section 89 of the said Act, for the word "Government" the words "the Commissioner" and for the words "Governor in Council" the word "Commissioner" shall be substituted.

New section 94A.

41. After section 94 of the said Act the following section shall be inserted:—

[Vol. II of this Code.]

Title of chapter VIII.

42. For the title of chapter VIII the following shall be substituted: "OF SURVEYS, ASSESSMENTS AND SETTLEMENTS OF LAND-REVENUE."

Amendment of section 98.

43. In section 98 of the said Act, for the words "survey records" the words "land records" shall be substituted.

Repeal of section 99.

44. Section 99 of the said Act shall be repealed.

Amendment of section 100.

45. In section 100 of the said Act the words "or orders" shall be repealed.

Amendment of section 103.

46. For section 103 of the said Act the following shall be substituted:

[Vol. II of this Code.]

Amendment of section 104.

47. In section 104 of the said Act, after the words "survey numbers" the words "or sub-divisions of survey numbers" shall be inserted; after the word "number" the words "or sub-division" shall be inserted; and for the expression "sections 74 and 76" the expression "section 74" shall be substituted.

48. In section 108 of the said Act, for the words "together with the name of the registered occupant of such survey number" the words "with any other particulars that may be prescribed" shall be substituted.

Amendment of section 108.

49. Sections 109 and 110 of the said Act shall be repealed.

Repeal of sections 109 and 110.

50. In section 111 of the said Act, for the words "to sell the occupancy of unoccupied lands by auction" the words "to grant unoccupied lands on lease" shall be substituted.

Amendment of section 111.

51. For section 113 of the said Act the following shall be substituted:—

Amendment of section 113.

[Vol. II of this Code.]

52. In section 114 of the said Act the words "subject to the rules contained in the last preceding section" shall be repealed, and for the words "under rule (3) of the last preceding section" the words "as a revenue demand" shall be substituted.

Amendment of section 114.

53. Section 115 of the said Act shall be repealed.

Repeal of section 115.

54. For section 116 of the said Act the following shall be substituted:—

Amendment of section 116.

[Vol. II of this Code.]

55. In section 117 of the said Act the phrase "113, 115 or" shall be repealed, and for the word "sections" the word "section" shall be substituted.

Amendment of section 117.

56. After section 117 of the said Act the following sections shall be inserted:—

New sections 117A and 117B.

[Vol. II of this Code.]

57. In section 119 of the said Act, for the words "village records" the words "land records" shall be substituted; for the words "after the survey records have been handed over to the Collector" the words "after the completion of a survey" shall be substituted; after the words "survey number" the words "or sub-division of a survey number" shall be inserted; and for the words "in the case of survey numbers by the survey records" the words "by the land records" shall be substituted.

Amendment of section 119.

58. In section 120 of the said Act, for the words "section 520 of the Code of Civil Procedure" the words "paragraph 14 of the Second Schedule to the [1]Code of Civil Procedure, 1908," shall be substituted.

V of 1908.

Amendment of section 120.

59. Section 121 of the said Act shall be numbered sub-section (*1*) of section 121, and the following sub-section shall be added thereto:—

Amendment of section 121.

[Vol. II of this Code.]

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[1] General Acts, Vol. VI.

Amendment of section 122.

60. In section 122 of the said Act,

(*a*) after the words "survey numbers," where they occur for the first time, the words "or sub-divisions of survey numbers" shall be inserted; and, after the said words, wherever they occur subsequently the words "or sub-divisions" shall be inserted;

(*b*) the words "or orders" shall be repealed.

Amendment of section 130.

61. In section 130 of the said Act, for the words "the price of the occupancy of the said lands" the words "a price for the said lands" shall be substituted; and for the words "occupancy-price" the word "price" shall be substituted.

Amendment of section 131.

62. In section 131 of the said Act, the figure "103" shall be repealed.

Amendment of section 132.

63. In section 132 of the said Act,

(*a*) for the words "rupees five for each survey number" the words "ten rupees for each building site or any portion thereof held separately" shall be substituted;

(*b*) the third paragraph shall be repealed.

Amendment of section 133.

64. In section 133 of the said Act, after the words "Schedule H" the words "or to the like effect" shall be inserted.

Amendment of section 134.

65. In section 134 of the said Act, for the words "appropriated to" the words "used for" shall be substituted.

New chapter XA.

66. After chapter X of the said Act the following chapter shall be inserted:—

[Vol. II of this Code.]

Amendment of section 136.

67. For section 136 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

New section 140.

68. For section 140 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

Amendment of section 148.

69. For section 148 of the said Act the following shall be substituted:—

[Vol. II of this Code.]

Amendment of section 163.

70. In section 163 of the said Act, for the words "actual occupants of the soil" the words "persons in actual possession of the land" shall be substituted.

71. In section 181 of the said Act, the words "included in such occupancy or alienated holding" shall be repealed; for the words "revenue records" the words "land records" shall be substituted; and for the words "occupancy or alienated holding" the word "land" shall be substituted.

Amendment of section 181.

72. For section 185 of the said Act, the following shall be substituted:—

Amendment of section 185.

[Vol. II of this Code.]

73. (*1*) In section 187 of the said Act after the words "the foregoing provisions of this Chapter" the following words shall be added:—

Amendment of section 187.

[Vol. II of this Code.]

(*2*) In the same section after the words "revenue defaulters" the following words shall be added:—

[Vol. II of this Code.]

(*3*) To the same section the following paragraph shall be added:—

[Vol. II of this Code.]

74. In section 189 of the said Act, for the expression "sections 640 and 641 of the Code of Civil Procedure" the expression "sections 132 and 133 of the [1]Code of Civil Procedure, 1908," shall be substituted.

V of 1908.

Amendment of section 189.

75. In section 192 of the said Act, for the expression "Code of Civil Procedure, section 160" the expression "Code of Civil Procedure, 1908, for parties applying for summonses for witnesses" shall be substituted.

Amendment of section 192.

76. In section 211 of the said Act,

Amendment of section 211.

(*a*) in the first paragraph for the words "a Collector" the words "an Assistant or Deputy Collector" shall be substituted;

(*b*) in the second paragraph the words "an Assistant or Deputy Collector" shall be repealed;

(*c*) the following proviso shall be added to the section:—

[Vol. II of this Code.]

77. In section 213 of the said Act, for the words "survey records and all village accounts and land registers" the words "land records" shall be substituted; and for the words "such maps, registers and accounts" the words "the same" shall be substituted.

Amendment of section 213.

78. For sections 214 and 215 of the said Act the following shall be substituted:—

Amendment of sections 214 and 215

[Vol. II of this Code.]

[1] General Acts, Vol. VI.

Amendment of section 216.

79. In section 216 of the said Act, for the words "Governor in Council" the word "Commissioner" shall be substituted.

Amendment of section 217.

80. In section 217 of the said Act,

(*a*) for the word "occupants" where it occurs for the first time the words "holders of land" and for the same word where it occurs for the second time the words "holders of land in unalienated villages" shall be substituted;

(*b*) the words "and registered occupants" shall be repealed.

Repeal of Schedule A.

81. Schedule A to the said Act shall be repealed.

Amendment of Schedule F.

82. In Schedule F to the said Act, for the words "Governor in Council of Bombay" the word "Commissioner" and for the words "Governor in Council" the word "Commissioner" shall be substituted.

Amendment of Schedule H.

83. In Schedule H to the said Act, for the phrase "the occupancy of the above described ground" the phrase "the said occupancy" shall be substituted.

Repeal of sub-titles.

84. All sub-titles, printed over sections or groups of sections in the said Act, shall be repealed.

PART III.

THE KHOTI SETTLEMENT ACT, 1880.

Substitution of terms.

85. In the [1]Khoti Settlement Act, 1880 (hereinafter in this Part called "the said Act"), Bom. Act I of 1880.

(*a*) for the phrases "right of occupancy", "occupancy-rights" and "an occupancy-right", wherever they occur, the phrases "permanent tenancy", "permanent tenancies" and "a permanent tenancy" shall respectively be substituted;

(*b*) for the phrases "occupancy-tenant", "occupancy-tenants" and "an occupancy-tenant", wherever they occur, the phrases "permanent tenant", "permanent tenants" and "a permanent tenant" shall respectively be substituted.

Amendment of section 6.

86. In the proviso to section 6 of the said Act, for the words "such right" the words "such permanent tenancy" shall be substituted.

Amendment of sections 9 and 10.

87. (*1*) In section 9 of the said Act for the words "occupancy-tenants rights" the words "permanent tenancies" shall be substituted.

(*2*) In section 10 of the said Act—

(*a*) for the words "in the holding of" the words "held by";

(*b*) for the words "the land or any portion of the land in his holding" the words "his land or any portion of his land"; and

(*c*) for the word "such" the word "his"

shall be substituted.

[1] Vol. II of this Code.

88. For the second paragraph of section 16 of the said Act the following shall be substituted : Amendment of section 16.

[Vol. II of this Code.]

89. In section 26 of the said Act, the words from the phrase "and shall for all the purposes" to the end of the section shall be repealed. Part repeal of section 26.

90. In section 33 of the said Act, for the word "occupancy" where it occurs twice in sub-rule (4) of rule IV, the word "occupation" shall be substituted. Amendment of section 33.

91. In section 36 of the said Act the words "the lands in" shall be repealed. Amendment of section 36.

92. In section 39 of the said Act— Amendment of section 39.

(*a*) for the portion from the phrase "nothing in sections" to the phrase "this Act extends" the following shall be substituted :—

[Vol. II of this Code.]

(*b*) Clause (*a*) shall be repealed.

PART IV.

The Gujarát Tálukdárs Act, 1888.

Bom. Act VI of 1888. **93.** In sub-section (2) of section 29 of the [1] Gujarát Tálukdárs Act, 1888 (hereinafter in this Part called "the said Act"), for the phrase "sale of occupancy rights", where it occurs twice, the word "transfer" shall be substituted. Amendment of section 29

94. (*1*) For sub-section (*1*) of section 33 of the said Act the following shall be substituted :—

[Vol. III of this Code.]

(*2*) In clause (*e*) of sub-section (*2*) of the said section for the phrase "sell the occupancy of unoccupied lands by auction" the phrase "grant unoccupied lands on lease" shall be substituted; and the phrase "and occupancy-rights" shall be repealed.

(*3*) In clause (*f*) of the said sub-section the word "in" and the phrase "clause (*3*)" shall be repealed.

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[1] Vol. III of this Code.

(4) In clause (*l*) of the said sub-section for the words "clause (*l*)" the words "clause (*k*)" shall be substituted.

(5) In clause (*n*) of the said sub-section the phrase "the words 'registered talukdar' for the words 'registered occupant'" shall be repealed.

BOMBAY ACT No. V of 1913.[1]

[The Bombay District and City Police (Amendment) Act, 1913.]

[*31st May, 1913.*]

An Act further to amend the Bombay District Police Act, 1890, and the Bombay City Police Act, 1902.

Whereas it is expedient further to amend the Bombay District Police Act, 1890 (Bom. IV of 1890), and the Bombay City Police Act, 1902 (Bom. IV of 1902), in manner hereinafter appearing; It is hereby enacted as follows:—

Amendment of section 47 of the Bombay District Police Act.

1. In sub-section (*1*) of section 47 of the [2] Bombay District Police Act, 1890, (Bom. Act IV of 1890.)

(*a*) for the words "in the town or village where" the word "at" shall be substituted,

(*b*) the words "is situate" and the words "is to be held" are hereby repealed, and

(*c*) after the word "proceedings" the words "and the maintenance of the public safety" shall be inserted.

Amendment of section 26 of the Bombay City Police Act.

2. In sub-section (*1*) of section 26 of the [3] Bombay City Police Act, 1902, (Bom. Act IV of 1902.)

(*a*) for the words "in the section in which" the word "at" shall be substituted,

(*b*) the words "is situate," and the words "is to be held" are hereby repealed, and

(*c*) after the word "attending" the words "and the maintenance of the public safety" shall be inserted.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 749; and for Proceedings in Council, *see ibid*, 1913, Part VII, pages 74 and 201. The short title was given by Bombay Act 2 of 1921, *infra*.

[2] Vol. III of this Code.

[3] Vol. IV of this Code.

BOMBAY ACT No. VI OF 1913.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1913.]

[*2nd October, 1913.*]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. Act III of 1888.

WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888 (hereinafter called "the said Act"); It is hereby enacted as follows:—

Amendment of section 68.

1. In sub-section (*2*) of section 68 of the said Act below the word and figures "section 380" the word and figures "section 381" and below the word and figures "section 381" the words "section 381A, sub-sections (*1*) and (*2*)," shall be inserted.

Amendment of section 279.

2. In sub-section (*1*) of section 279 of the said Act the words "with the sanction of the Standing Committee" shall be repealed and below sub-clause (*e*) shall be added the following:—

[Vol. III of this Code.]

Amendment of section 322.

3. After sub-section (*2*) of section 322 of the said Act the following sub-section shall be inserted:—

[Vol. III of this Code.]

Amendment of section 381.

4. For section 381 of the said Act the following shall be substituted:—

[Vol. III of this Code.]

New section 381A.

5. After section 381 of the said Act the following shall be inserted:—

[Vol. III of this Code.]

Amendment of section 394.

6. In sub-section (*1*) of section 394 of the said Act after the word "under" where it occurs for the first time the words "and in conformity with the terms and conditions of" shall be inserted.

New section 412A.

7. After section 412 of the said Act the following new section shall be inserted, namely:—

[Vol. III of this Code.]

Amendment of section 415.

8. In the second paragraph of sub-section (*2*) of section 415 of the said Act after the word "provided" the following words shall be inserted, namely:—

[Vol. III of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1913, Part VII, page 17; for Report of Select Committee, *see ibid*, 1913, Part VII, page 369; and for Proceedings in Council, *see ibid*, 1913, Part VII, pages 202 and 585. The short title was given by Bombay Act 2 of 1921, *infra*.

[2] Vol. III of this Code.

Amendment of section 471.

9. In the table appended to section 471 of the said Act—

(*1*) in column (*3*) of the entry relating to section 322, sub-section (*1*), for the word "fifty" the words "one hundred" shall be substituted;

(*2*) below the entry relating to section 351 the following entry shall be inserted :—

[Vol. III of this Code.]

(*3*) below the entry relating to section 413 the following entry shall be inserted :—

[Vol. III of this Code.]

Amendment of section 472.

10. In the table appended to section 472 of the said Act—

(*1*) below the entry relating to section 381 the following entry shall be inserted :—

[Vol. III of this Code.]

(*2*) below the entry relating to section 411 the following entry shall be inserted :—

[Vol. III of this Code.]

Amendment of section 489.

11. In sub-section (*2*) of section 489 of the said Act below the word and figures "section 381" the words "section 381A, sub-section (*2*)," shall be inserted.

Amendment of section 490.

12. In sub-section (*1*) of section 490 of the said Act after the word and figures "section 314" the following words shall be inserted :—" or sub-section (*3*) of section 322."

BOMBAY ACT No. VII OF 1913.[1]

[THE PRINCE OF WALES MUSEUM (AMENDING) ACT, 1913.]

[*4th October, 1913.*]

An Act to amend the Prince of Wales Museum Act, 1909.

Bom. Act III of 1909.

WHEREAS it is expedient to amend the [2]Prince of Wales Museum Act, 1909, in the manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prince of Wales Museum (Amending) Act, 1913.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1913, Part VII, page 107; and for Proceedings in Council, *see ibid*, 1913, Part VII, page 589.

[2] *Supra.*

2. From the area comprised in the schedule to the Prince of Wales Museum Act, 1909 (hereinafter referred to as "the said Act"), the following area shall be excluded, namely :— Amendment of schedule.

All that piece or parcel of land containing by admeasurement 359·52 square yards, be the same a little more or less, of which 275·57 square yards are contained between the outer side of the curve at the North-East angle of the boundary of the site of the Prince of Wales Museum of Western India and lines tangential to the extremities of the said curve, and the remaining area amounting to 83·95 square yards is contained in an irregular figure projecting outwards from the tangential line of the said curve which runs more or less parallel to Apollo Street, the whole of the said piece or parcel of land with the boundaries thereof being delineated for greater clearness on a plan signed by the Executive Engineer, Presidency District, and a majority of the Trustees of the Prince of Wales Museum of Western India and deposited with the Secretary to Government in the General Department.

3. All the estate, right, title and interest of the Trustees of the Prince of Wales Museum of Western India in and to the area excluded from the schedule to the said Act by the last preceding section shall vest in His Majesty. Property excluded from schedule to vest in His Majesty.

BOMBAY ACT No. I OF 1914.[1]

[THE KARACHI PORT TRUST (AMENDMENT) ACT, 1914.]

[7th July, 1914.]

An Act further to amend the Karachi Port Trust Act, 1886.

[Bom. Act I of 1886.] WHEREAS it is expedient further to amend the [2]Karachi Port Trust Act, 1886, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be cited as the Karachi Port Trust (Amendment) Act, 1914. Short title.

[Bom. Act I of 1886.] **2.** For section 6 of the [2]Karachi Port Trust Act, 1886, hereinafter called "the said Act", the following section shall be substituted, namely :— New section 6.

[Vol. II of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1913, Part VII, page 886; and for Proceedings in Council, *see ibid*, 1914, Part VII, pages 44 and 812.

[2] Vol. II of this Code.

Amendment of section 7.

3. In section 7 of the said Act—

(*a*) for the word "two" the word "one" shall be substituted,

(*b*) for the words "The remaining trustees shall be appointed by Government" the words "The remaining trustees of whom one at least shall be a representative Indian merchant shall be appointed by Government" shall be substituted.

Amendment of section 9.

4. In section 9 of the said Act for the word "or" on the first occasion where it occurs the words "and of every person elected to be" shall be substituted.

Amendment of section 16.

5. (*1*) In sub-section (*1*) of section 16 of the said Act—

(*a*) the words "and vice-chairman",

(*b*) the word "respectively"

shall be omitted.

(*2*) In sub-section (*2*) of the said section, the words "and vice-chairman" shall be omitted.

Amendment of section 17.

6. To sub-section (*4*) of section 17 of the said Act, the following proviso shall be added, namely:—

[Vol. II of this Code.]

Amendment of section 18.

7. (*1*) In sub-section (*2*) of section 18 of the said Act, for the words "twenty-one" the word "fifty" shall be substituted.

Sanction by chairman.

(*2*) In sub-section (*7*) of section 18 of the said Act, the words "or the sanction of the Port Engineer or Manager and Secretary, given in exercise of a power in this behalf conferred by the general or special orders of the Board or by special order of the chairman" shall be omitted.

Amendment of section 20.

8. To section 20 of the said Act the following proviso shall be added, namely:—

[Vol. II of this Code.]

Amendment of section 23.

9. Paragraph 4 of section 23 of the said Act shall be omitted.

Amendment of section 24.

10. In section 24 of the said Act, for the word "three" on the second occasion where it occurs the word "five" shall be substituted.

Amendment of section 28.

11. In section 28 of the said Act, for the words "have been" on the first occasion where they occur the word "were" shall be substituted.

Amendment of section 29. The sanction of Government required if the cost shall exceed one lakh of rupees.

12. In the proviso to section 29 of the said Act for the words "fifty thousand" the words "one lakh of" shall be substituted.

Amendment of section 46.

13. To paragraph 1 of section 46 of the said Act, the following words shall be added, namely :—

[Vol. II of this Code.]

Amendment of section 50.

14. In paragraph 1 of section 50 of the said Act—

(*a*) after the word "landed", the words "or if rents due under section 46,"

(*b*) after the word "custody" the words "or seized and detained for rents due"

shall be inserted.

Amendment of section 59B.

15. For sub-section (2) of section 59B of the said Act, substitute the following sub-section, namely :—

[Vol. II of this Code.]

Amendment of section 60.

16. (*1*) For paragraph 1 of section 60 of the said Act, the following shall be substituted, namely :—

[Vol. II of this Code.]

(*2*) For paragraph 2 of the said section, the following shall be substituted, namely :—

[Vol. II of this Code.]

(*3*) In paragraphs 3, 4 and 5 of the said section for the word "Port" wherever it occurs the word "Chief" shall be substituted.

(*4*) In paragraph 5 of the said section for the word "hundred" on the second occasion where it occurs in that paragraph the word "thousand" shall be substituted.

BOMBAY ACT No. II OF 1914.[1]

[THE BOMBAY IRRIGATION AMENDMENT ACT, 1914.]

[*23rd July, 1914.*]

An Act further to amend the Bombay Irrigation Act, 1879.

Bom. Act VII of 1879.

WHEREAS it is expedient further to amend the [2]Bombay Irrigation Act, 1879 (hereinafter referred to as "the said Act"), in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Irrigation Amendment Act, 1914.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1913, Part VII, page 882; for Report of Select Committee, *see ibid*, 1914, Part VII, page 175; and for Proceedings in Council, *see ibid*, 1914, Part VII, pages 58, 894 and 483.

[2]Vol. II of this Code.

Insertion of a new Part X.

2. After section 71 of the said Act the following heading and sections shall be added, namely :—

[Vol. II of this Code.]

BOMBAY ACT No. III OF 1914.[1]

[THE BOMBAY TRAMWAYS (AMENDMENT) ACT, 1914.]

[*15th September, 1914.*]

An Act further to amend the Bombay Tramways Act, 1874.

WHEREAS it is expedient further to amend the Bombay Tramways Act, 1874 (Bom. I of 1874), in the manner hereinafter appearing; It is hereby enacted as follows :—

Insertion of new section 3A.

Bom. Act of 1874.

1. After section 3 of the [2]Bombay Tramways Act, 1874 (hereinafter called "the said Act"), the following section shall be inserted :—

[Vol. II of this Code.]

Insertion of new section 4A.

2. After section 4 of the said Act the following section shall be inserted :—

[Vol. II of this Code.]

Addition of new schedule.

3. The schedule to the said Act shall be numbered "Schedule I." and below the specification appended thereto there shall be added the following :—

[Vol. II of this Code.]

BOMBAY ACT No. IV OF 1914.[3]

[THE ADEN PORT TRUST (AMENDMENT) ACT, 1914.]

[*15th September, 1914.*]

An Act further to amend the Aden Port Trust Act, 1888.

Bom. Act of 1888.

WHEREAS it is expedient further to amend the [4]Aden Port Trust Act, 1888, in the manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Aden Port Trust (Amendment) Act, 1914.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1912, Part VII, page 449 (*b*); for Report of Select Committee, *see ibid*, 1914, Part VII, page 889; and for Proceedings in Council, *see ibid*, 1912, Part VII, page 780; *ibid*, 1914, pages 862 and 848. The short title was given by Bombay Act 2 of 1921, *infra*.

[2]Vol. II of this Code.

[3]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Part VII, page 482 (*b*) and for Proceedings in Council, *see ibid*, 1914, Part VII, page 844.

[4]Vol. III of this Code.

Bom. Act V of 1888.

2. In sub-section (2) of section 6 of the [1]Aden Port Trust Act, 1888, hereinafter called "the said Act" the words "The Port Surgeon at Aden" shall be omitted.

Amendment of section 6.

3. To section 13 of the said Act the following sub-section shall be added :—

[Vol. III of this Code.]

4. For sub-section (*1*) of section 57 of the said Act the following sub-section shall be substituted :—

Amendment of section 57.

[Vol. III of this Code.]

5. The following additions shall be made to Part I of Schedule A to the said Act :—

Additions to Schedule A.

[Vol. III of this Code.]

BOMBAY ACT No. V of 1914.[2]

[THE BOMBAY CIVIL COURTS AMENDMENT ACT, 1914.]

[*15th September, 1914.*]

An Act further to amend the Bombay Civil Courts Act, 1869.

XIV of 1869.

WHEREAS it is expedient further to amend the [3]Bombay Civil Courts Act, 1869, hereinafter called "the said Act," in manner hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [4]Indian Councils Act, 1892, has been obtained for the passing of this Act ;

It is hereby enacted as follows :—

1. This Act may be cited as the Bombay Civil Courts Amendment Act, 1914.

2. To the proviso to section 32 of the said Act the following clause shall be added, namely :—

[Vol. I of this Code.]

[1] Vol. III of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Part VII, page 529 ; and for Proceedings in Council, *see ibid*, 1914, Part VII, page 845.

[3] Vol. I of this Code.

[4] *See* new section 80 A of the Government of India Act.

BOMBAY ACT No. VI OF 1914.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1914.]

[24th September, 1914]

An Act further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the [2]Bombay Port Trust Act, 1879 (hereinafter called "the said Act"); It is hereby enacted as follows:— *Bom. Act VI of 1879.*

Amendment of section 5. **1.** For section 5 of the said Act the following section shall be substituted, namely:—

[Vol. II of this Code.]

Repeal of section 31. **2.** Section 31 of the said Act is hereby repealed.

BOMBAY ACT No. VII OF 1914.[3]

[THE BOMBAY LAND REVENUE CODE AMENDMENT ACT, 1914.]

[24th October, 1914.]

An Act further to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient to amend the provisions of the [4]Bombay Land Revenue Code, 1879, dealing with superior and inferior holders; It is hereby enacted as follows:— *Bom. Act V of 1879.*

1. This Act may be called the Bombay Land Revenue Code Amendment Act, 1914.

Amendment of section 84. **2.** In the second paragraph of section 84 of the [4]Bombay Land Revenue Code, 1879, hereinafter called "the said Act", after the word "shall" the words "in the absence of any special agreement in writing to the contrary" shall be inserted. *Bom. Act V of 1879.*

Insertion of new section 84A. **3.** Below section 84 of the said Act, the following section shall be inserted, namely:—

[Vol. II of this Code.]

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Part VII, page 581; and for Proceedings in Council *see ibid*, 1914, Part VII, page 908. The short title was given by Bombay Act 2 of 1921, *infra*.

[2]Vol. II of this Code.

[3]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Part VII, page 192; for Report of Select Committee, *see ibid*, 1914, Part VII, page 588; and for Proceedings in Council, *see ibid*, 1914, Part VII, pages 843 and 980.

[4]Vol. II of this Code.

BOMBAY ACT No. VIII OF 1914.[1]

[THE BOMBAY DISTRICT MUNICIPAL AMENDMENT ACT, 1914.]

[*28th October, 1914.*]

An Act further to amend the Bombay District Municipal Act, 1901.

Bom. Act III of 1901.

WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay District Municipal Amendment Act, 1914.

Bom. Act III of 1901.

Amendment of section 3.

2. In section 3 of the [2]Bombay District Municipal Act, 1901 (hereinafter called "the said Act"), below clause (3) the following clause shall be inserted, namely :—

[Vol. IV of this Code.]

New section 12.

3. For section 12 of the said Act the following section shall be substituted, namely :—

[Vol. IV of this Code.]

New section 13-A.

4. After section 13 of the said Act the following section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 15.

5. (*1*) In section 15, sub-section (*1*), clause (*a*), sub-clause (*ii*) of the said Act, for the words "as debarring him from re-employment," the words "in the Bombay Government Gazette," shall be substituted :—

(*2*) For proviso (*vi*) to clause (*f*) of the same sub-section, the following provisos shall be substituted, namely :—

[Vol. IV of this Code.]

(*3*) For clause (*e*) of sub-section (*2*) of section 15 of the said Act, the following clause shall be substituted, namely :—

[Vol. IV of this Code.]

New section 15-A.

6. After section 15 of the said Act the following section shall be inserted, namely :—

[Vol. IV of this Code.]

New section 23 A.

7. After section 23 of the said Act the following section shall be inserted, namely :—

[Vol. IV of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Part VII, page 189; for Report of Select Committee, *see ibid*, 1914, Part VII, page 598; and for Proceedings in Council, *see ibid*, 1914, Part VII, pages 467 and 848.

[2] Vol. IV of this Code.

Amendment of section 24.

8. In section 24, sub-section (*1*), of the said Act, the following proviso shall be added, namely :—

[Vol. IV of this Code.]

New section 26A.

9. After section 26 of the said Act the following section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 27.

10. In section 27, sub-section (*2*), clause (*ii*), of the said Act, after the words " chapter XIII " the words " and chapter XIIIA " shall be inserted.

Amendment of section 34.

11. In section 34, sub-section (*1*), of the said Act, the following proviso shall be added, namely :—

[Vol. IV of this Code.]

Amendment of section 37.

12. To section 37 of the said Act, the following proviso shall be added, namely :—

[Vol. IV of this Code.]

Amendment of section 40.

13. Below sub-section (*7*) of section 40 of the said Act the following sub-section shall be added, namely :—

[Vol. IV of this Code.]

Amendment of section 46.

14. In section 46 of the said Act—

(*1*) after the words " the constitution thereof," the words " and subject to the provisions of chapter XIIIA ", shall be inserted ;

(*2*) in sub-clause (*i*) of clause (*b*) after the words " chief officer " the words " and, subject to the provisions of chapter XIIIA, by the Municipal Commissioner," shall be inserted.

Amendment of section 48.

15. In section 48, sub-section (*1*), of the said Act, after clause (*b*) the following clause shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 63.

16. (*1*) In section 63, sub-section (*2*), of the said Act, the following proviso shall be added, namely :—

[Vol. IV of this Code.]

(*2*) In section 63, sub-section (*3*), of the said Act, after the word " person " the words " or of the Municipal Commissioner, as the case may be," shall be inserted.

Amendment of section 65.

17. (*1*) In section 65, sub-section (*3*), of the said Act, at the commencement, the following words shall be inserted, namely :—

[Vol. IV of this Code.]

(2) In section 65, sub-section (4), of the said Act, after the word "authenticated" the following words shall be inserted, namely :—

[Vol. IV of this Code.]

18. After section 81 of the said Act, the following section shall be inserted, namely :—

New section 81A.

[Vol. IV of this Code.]

19. (1) In section 83, sub-section (2), of the said Act, after the word "issued", where it occurs for the second time, the words "or by the Municipal Commissioner, if any," shall be inserted.

Amendment of section 83.

(2) In section 83 of the said Act after sub-section (2) the following sub-section shall be inserted, namely :—

[Vol. IV of this Code.]

(3) In sub-section (3) of the said section, for the words "any municipal officer" the words "any officer" shall be substituted.

20. After section 84 of the said Act the following section shall be inserted, namely :—

New section 84A.

[Vol. IV of this Code.]

21. (1) Below section 91 of the said Act the following section shall be inserted, namely : —

New section 91A.

[Vol. IV of the Code.]

(2) In sub-section (1) of section 96 after the word "set-back" insert the words "or is empowered by section 91A to give permission to reconstruct it".

22. Below section 137 of the said Act the following section shall be inserted, namely :—

Insertion of new section 137A.

[Vol. IV of this Code.]

23. In the paragraph following clause (b) of sub-section (1) of section 142 of the said Act after the word "sub-chapter" the words "or of the Municipal Commissioner, if any" shall be inserted.

Amendment of section 142(1).

24. In section 143 of the said Act after the word "councillor" the comma shall be omitted.

Amendment of section 143.

25. After section 151 of the said Act the following section shall be inserted, namely : —

Insertion of a section after section 151.

[Vol. IV of this Code.]

Amendment of section 160.

26. In section 160 of the said Act for the words "compensation, damages, costs or expenses" wherever they occur, the words "compensation or damages" shall be substituted.

New section 160A.

27. Below section 160 of the said Act the following section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 161.

28. In section 161 of the said Act after the word "municipality" the following words shall be inserted, namely :

[Vol. IV of this Code.]

Amendment of section 177.

29. In section 177, sub-section (1), clause (*iii*) of the said Act—

(*a*) after the word "officer" the words "or a Municipal Commissioner" shall be inserted ; and

(*b*) the words "or by chapter XIIIA as the case may be" shall be added at the end.

Insertion of new sections.

30. Below section 180 of the said Act the following new sections shall be inserted, namely :—

[Vol. IV of this Code.]

THE BOMBAY TOWN PLANNING ACT, 1915.

CONTENTS.

SECTIONS.

CHAPTER I.—PRELIMINARY.

CHAPTER II. Declaration of Intention to make a Scheme, and preparation of Draft Scheme.

CHAPTER III.—Finance.

CHAPTER IV.—THE ARBITRATOR AND THE TRIBUNAL OF ARBITRATION.

CHAPTER V.—MISCELLANEOUS.

BOMBAY ACT No. I of 1915.[1]

[6th March, 1915.]

An Act to provide for the making and execution of town-planning schemes.

WHEREAS it is expedient that the development of certain areas should be regulated with the general object of securing proper sanitary conditions, amenity and convenience to the persons living in such areas and in neighbouring areas;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Bombay Town Planning Act, 1915.

(*2*) It shall extend in the first instance to the Island of Salsette, but the Governor in Council may by notification in the Bombay Government Gazette direct that it shall extend in whole or in part to any part of the Bombay Presidency:

Provided that this Act shall not be extended in whole or in part to the City of Bombay or any part thereof except on the previous application of the Municipal Corporation of the City of Bombay in this behalf to the Governor in Council, such application having been previously assented to by a majority of the whole of the Municipal Corporation.

Interpretation-clause.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "local authority" means a Municipality or, where there is no Municipality, a committee appointed for a notified area under the provisions of Chapter XIV of the [3]Bombay District Municipal Act, 1901, as modified by this Act;

Bom. Act III of 1901.

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "owner" includes an owner in severalty, in common or joint; and includes also an occupant as defined in clause (*16*) of section 3 of the [4]Bombay Land Revenue Code, 1879;

Bom. Act V of 1879.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1913, Part VII, page 845; for Report of Select Committee, *see ibid*, 1914, Part VII, page 510; and for Proceedings in Council, *see ibid*, 1914, Part VII, page 78; *ibid*. 1915, page 11.

[2] See now section 80-A of the Government of India Act.

[3] Vol. IV of this Code.

[4] Vol. II of this Code.

(d) "plot" means a continuous portion of land held in one ownership, other than land used, allotted or reserved for any public or municipal purpose;

(e) "reconstituted plot" means a plot which is in any way altered by the making of a town planning scheme otherwise than by the severance of land used, allotted or reserved for any public or municipal purpose.

Explanation.—"Altered" includes alteration of ownership.

(f) "scheme" includes a plan relating to a town planning scheme.

Contents of planning scheme.

3. A town planning scheme may make provision for any of the following matters:—

(a) the construction, diversion, alteration and stopping up of streets, roads and communications;

(b) the construction, alteration, and removal of buildings, bridges and other structures;

(c) the plotting out of land as building-sites whether such land is intended to be used for building purposes in the immediate future or not;

(d) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and public purposes of all kinds;

(e) drainage inclusive of sewerage and of surface drainage and sewage disposal;

(f) lighting;

(g) water supply;

(h) the preservation of objects of historical interest or natural beauty and of buildings actually used for religious purposes or regarded by the public with special religious veneration;

(i) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, height and character of buildings allowed in specified areas and the purposes to which buildings or specified areas may or may not be appropriated;

(j) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule having the force of law, bye-law, Act, or other provision [1]*** which is in force in the area included in the scheme:

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[1] ...e words "under whatever authority made" were repealed by section 3 and Schedule ...e Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), *infra*.

[1] [Provided that it shall not be lawful to suspend in any such area any Act of Parliament or, without the sanction of the Governor General, any Act of the Governor General in Council.]

(k) such other matter not inconsistent with the objects of this Act as may be prescribed.

Disputed ownership.

4. (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which any of the provisions of this Act are to be applied and any entry in the record-of-rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by such officer as the Governor in Council in the City of Bombay or the Commissioner elsewhere may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

(2) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(3) Such decision shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the local authority either by the Civil Court or by some person affected by such decree.

Right of entry.

5. For the purpose of the preparation, making, or execution of any town planning scheme any person authorized by the local authority or any public servant or person duly appointed or authorised under this Act may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

Powers of local authority to borrow money and to make and execute a town planning scheme.

6. (1) A local authority as defined in this Act shall be deemed to be a local authority as defined in the [2]Local Authorities Loans Act, 1914, for the purpose of borrowing money under that Act, and the making and execution of a town planning scheme shall be deemed to be a work which such local authority is legally authorized to carry out.

IX of 1914.

(2) Any expenses incurred by a local authority under this Act or any town planning scheme made thereunder may be defrayed out of its funds.

Notified areas.

7. Notwithstanding anything contained in sub-section (3) of section 187 of the [3] Bombay District Municipal Act, 1901, the Governor in Council may declare any specified area, for which it is proposed to make a town planning scheme, to be a notified area.

Bom. Act III of 1901.

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[1] This proviso was added by section 2 and Schedule I, Part II, of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), *infra*.

[2] General Acts, Vol. VIII.

[3] Vol. IV of this Code.

CHAPTER II.—DECLARATION OF INTENTION TO MAKE A SCHEME, AND PREPARATION OF DRAFT SCHEME.

Land in respect of which a town planning scheme may be made.

8 (*1*) A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is in course of development or is likely to be used for building purposes.

(*2*) Where it appears to the Governor in Council that a piece of land already built upon, or a piece of land not likely to be used for building purposes is so situated with respect to any land which is in course of development or likely to be used for building purposes that it ought to be included in any town planning scheme intended to be made with respect to the last-mentioned land, the Governor in Council may sanction the making of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(*3*) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Governor in Council as to whether land is likely to be used for building purposes or not shall be final.

Powers of a local authority to resolve on a declaration of intention to make a scheme and of the Governor in Council to sanction such declaration.

9. (*1*) The local authority having jurisdiction over any such land as is referred to in section 8 may by resolution declare its intention to make a town planning scheme in respect of the whole or any part of such land and of any land which is in the vicinity of such land but which is not included in any other municipal or notified area, provided that for the making of such scheme the sanction of the Governor in Council shall be necessary.

(*2*) Within twenty-one days from the date of such declaration (hereinafter referred to as a declaration of intention to make a scheme), the local authority shall despatch a copy thereof for publication in the Bombay Government Gazette and shall publish it in the prescribed manner and shall apply to the Governor in Council for sanction for the making of such scheme.

(*3*) With its application for such sanction the local authority shall send to the Governor in Council a plan showing the area which it proposes to include in the town planning scheme and the surrounding lands.

(*4*) A copy of such plan shall be open to the inspection of the public at reasonable hours at the head office of the local authority.

(5) If within one month from the date of such publication in the Bombay Government Gazette any person likely to be affected by such scheme communicates in writing to the Governor in Council any objection or suggestion relating to such scheme the Governor in Council shall consider such objection or suggestion.

(6) After receiving such application and after making such inquiry as he may think fit, the Governor in Council may, by notification in the Bombay Government Gazette, either sanction the making of such scheme with or without modifications and subject to such conditions as he may think fit to impose, or he may by a similar notification refuse to give sanction.

Preparation and publication of draft scheme.

10. (1) Within twelve months from the date of the notification sanctioning the making of a town planning scheme the local authority shall in consultation with the owners prepare, and publish in the prescribed manner, a draft scheme for the area in respect of which sanction has been given.

(2) If such publication is not made by the local authority within twelve months from the date of such notification, the Governor in Council in the City of Bombay or the Commissioner elsewhere may in consultation with the owners prepare, and publish in the prescribed manner, a draft scheme for the area in respect of which sanction has been given within a further period of nine months.

Lapsing of sanction.

(3) If such publication is not made by the Governor in Council or the Commissioner, as the case may be, within the further period specified in sub-section (2), the sanction of the Governor in Council for the making of such town planning scheme shall lapse, and until a period of three years has elapsed from the date of such sanction it shall not be competent to the local authority to apply for fresh sanction for the making of any town planning scheme for the same area or for any part of it.

Contents of draft scheme.

11. The draft scheme shall contain the following particulars :—

(a) the area, ownership and tenure of each original plot ;

(b) the land allotted or reserved under clause (d) of section 3, with a general indication of the uses to which such land is to be put ;

(c) the extent to which it is proposed to alter the boundaries of original plots ;

(d) an estimate of the net cost of the scheme to be borne by the local authority ;

(e) a full description of all details of the scheme under such clauses of section 3 as may be applicable ; and

(f) any other prescribed particulars.

Reconstituted plots.

12. (*1*) In the draft scheme the size and shape of every reconstituted plot shall be so determined as to render it, so far as may be, suitable for building purposes.

(*2*) In order to render original plots more suitable for building purposes the draft scheme may contain proposals,

(*a*) to form a reconstituted plot by the alteration of the boundaries of an original plot,

(*b*) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot,

(*c*) to allot a plot to any owner dispossessed of land in furtherance of the scheme, and

(*d*) to transfer the ownership of a plot from one person to another.

Objections to the draft scheme to be considered.

13. If within one month from the date of publication of the draft scheme any person affected by such scheme communicates in writing to the local authority any objection relating to such scheme the local authority shall consider such objection and may, at any time before submitting the draft scheme to the Governor in Council as hereinafter provided, modify such scheme as it thinks fit.

Power of the Governor in Council to sanction a draft scheme.

14. (*1*) The local authority shall then submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it to the Governor in Council and shall at the same time apply for his sanction.

(*2*) After receiving such application and after making such inquiry as he may think fit, the Governor in Council may, by notification in the Bombay Government Gazette, either sanction such scheme with or without modifications and subject to such conditions as he may think fit to impose, or he may by a similar notification refuse to give sanction.

(*3*) If the Governor in Council sanctions such scheme, he shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public.

Restrictions after declaration.

15. (*1*) When a local authority has published a declaration of intention to make a scheme—

(*a*) no person shall within the area included in the scheme erect or proceed with any building or work [1] [or remove, pull down or alter any building or part of a building or remove any earth, stone or

[1] These words were inserted by section 2 (*a*) of the Bombay Town Planning (Amendment) Act, 1920 (Bom. Act 18 of 1920), *infra*.

material] unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the local authority in the form prescribed;

(*b*) the local authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and after enquiry may either grant or refuse such certificate or grant it subject to such conditions as may be consistent with the scheme; but if the local authority communicates no decision to the applicant within three months from the date of such acknowledgment he shall be deemed to have been granted such certificate;

(*c*) if in the opinion of the local authority any person contravenes the provisions contained in clause (*a*) or clause (*b*), the local authority after making enquiry in the prescribed manner may by notice in writing direct such person to stop any work in progress;

(*d*) any expenses incurred by the local authority under clause (*c*) shall be a sum due to the local authority under this Act from the person in default;

[1] [(*e*) any diminution in the value of an original plot occasioned by any contravention of clause (*a*) or clause (*b*) shall, notwithstanding anything contained in sections 16, 17 or 19, be taken into account in fixing the market value of such plot.]

(*2*) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the local authority under the provisions of this section or of section 43, except in respect of a building or work begun or a contract entered into before the date on which the local authority published a declaration of intention to make a scheme, and only in so far as such building or work has proceeded at the time of the publication of the declaration of intention to make a scheme.

(*3*) The restrictions imposed by this section shall cease to operate in the event of the Governor in Council refusing to sanction the making of a town planning scheme, or in the event of the sanction of the Governor in Council for the making of such scheme lapsing, or in the event of the Governor in Council refusing to sanction the draft scheme.

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[1] This clause was added by section 2 (*b*) of the Bombay Town Planning (Amendment) Act, 1920 (Bom. Act 13 of 1920), *infra*.

CHAPTER III.—FINANCE.

Costs of the scheme.

16. (*1*) The costs of a town-planning scheme shall include—

(*a*) all sums payable by the local authority under the provisions of this Act which are not specifically excluded from the costs of the scheme;

(*b*) all sums spent or estimated to be spent by the local authority in the making and in the execution of the scheme:

(*c*) all legal expenses of the local authority incurred in the making and in the execution of the scheme; and

(*d*) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme with all the buildings and works thereon at that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(*2*) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the original plots, each of such plots being estimated in the manner provided in clause (*d*) of sub-section (*1*), then the amount of such excess shall be deducted in arriving at the costs of the scheme, as defined in sub-section (*1*).

Calculation of increment.

17. [1] [For the purposes of this Act the increment shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme :]

provided that in estimating such values the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

Contribution towards the costs of the scheme.

18. (*1*) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the local authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Tribunal of Arbitration :

provided that—

(i) no such contribution shall exceed half the increment estimated by the Tribunal of Arbitration to accrue in respect of such plot; and

[1] This paragraph was substituted by s. 8 of the Bombay Town Planning (Amendment Act, 1920 (Bom. Act 18 of 1920), *infra*.

(ii) where a plot is subject to a mortgage with possession or to a lease, the Tribunal of Arbitration shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution.

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Owner primarily liable for contribution.

19. The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contributions leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Certain amount to be added to or deducted from the contribution leviable from a person.

20. Any right in an original plot which in the opinion of the arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a town planning scheme, to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the arbitrator is not capable of being so transferred shall be extinguished :

Transfer of right from original to reconstituted plot, or extinction of such right.

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

21. The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the arbitrator within the prescribed time, be entitled to obtain compensation in respect thereof from the local authority or from any person benefited or partly from the local authority and partly from such person, as the Tribunal of Arbitration may in each case determine :

Compensation in respect of property or right injuriously affected by scheme.

Provided that the value of such property or right shall be held to be its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme.

22. (1) Where property or a private right of any sort is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or in so far as the provisions are such as would have been enforceable without compensation under any rule having the force of law, bye-law or Act in force at the time.

Exclusion or limitation of compensation in certain cases.

(*2*) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in such scheme or any part thereof, impose any conditions and restrictions in regard to any of the matters specified in clause (*l*) of section 8.

Provision for case in which amount payable to owner exceeds amount due from him.

23. If the owner of an original plot is not provided with a plot in the final scheme, or if the contribution to be levied from him under section 18 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the local authority in cash, or in such other way as may be agreed upon by the parties.

Provision for case in which value of developed plot is less than amount payable by owner.

24. (*1*) If from any cause the total amount which would be due to the local authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the arbitrator shall, at the request of the local authority, direct the owner of such plot to make payment to the local authority of the amount of such excess.

(*2*) If such owner fails to make such payment within the prescribed period, the arbitrator shall, if the local authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the local authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme ; and thereupon the plot included in the final scheme shall vest absolutely in the local authority, free from all encumbrances but subject to the provisions of this Act :

provided that the payment made by the local authority on account of the value of the original plot shall not be included in the costs of the scheme.

Payment by adjustment of account.

25. All payments due to be made to any person by the local authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the local authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment of net amount due to local authority.

26. (*1*) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in one sum or in such instalments including charges for interest as shall be fixed by the local authority with the sanction of the Governor in Council in the City of Bombay or the Commissioner elsewhere.

(2) Where more than one plot included in the final scheme is in the same ownership the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot unless the owner and the local authority agree to a different method of distribution.

27. (1) A local authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town-planning scheme, subject to the power of the Governor in Council to modify or disallow such agreement and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town-planning scheme comes into force.

Power of local authority to make agreements.

(2) Such agreement shall not in any way affect the duties of the arbitrator or of the Tribunal of Arbitration as described in Chapter IV or the rights of third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the arbitrator or by the Tribunal of Arbitration:

provided that if the agreement be modified by Government, either party shall have the option of avoiding it if he so elects.

28. Any sum due to the local authority under this Act which is not paid on the day when it becomes due shall be recovered by the Collector, according to law and under the rules for the time being in force for the recovery of arrears of land-revenue, on application being made to him by the local authority.

Recovery of arrears.

CHAPTER IV.—The Arbitrator and the Tribunal of Arbitration.

29. After a draft scheme has been sanctioned the Governor in Council shall appoint an arbitrator with sufficient establishment whose duties shall be as hereinafter provided.

Appointment of arbitrator.

30. In accordance with the prescribed procedure the arbitrator shall—

Duties of the arbitrator.

(1) after notice given by him in the prescribed manner define and where it is in his opinion necessary, demarcate the areas allotted to, or reserved for, the local authority, and the reconstituted plots;

(2) after notice given by him in the prescribed manner determine, in a case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons;

(3) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the final scheme, in accordance with the provisions contained in clause (d) of sub-section (1) of section 16;

(*4*) estimate the increment to accrue in respect of each plot included in the final scheme, in accordance with the provisions contained in section 17;

(*5*) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme, in accordance with the provisions contained in section 18;

(*6*) calculate the contribution to be levied on each plot included in the final scheme;

(*7*) determine the amount to be deducted from or added to, as the case may be, the contributions leviable from a person, in accordance with the provisions contained in section 19;

(*8*) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot, in accordance with the provisions contained in section 20;

(*9*) estimate in reference to claims made before him, after notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town-planning scheme, in accordance with the provisions contained in section 21 and subject to the provisions contained in section 22;

(*10*) draw up in the prescribed form the final scheme in accordance with the draft scheme:

provided that—

(i) he may make variations from the draft scheme;

(ii) any variation estimated by him to involve an increase of ten per centum in the costs of the scheme as described in section 16 shall require the sanction of the Governor in Council:

provided further that he shall make no substantial variation without the consent of the local authority and without hearing any objections that may be raised by the owners concerned; and that in the case of any substantial variation made by him the owners concerned shall have the right of appeal to the Governor in Council.

Certain decisions of the arbitrator shall be final.

31. Except in matters arising out of clauses (*4*), (*5*), (*6*) and (*9*) of section 30, and subject to the provisos contained in clause (*10*) of section 30, every decision of the arbitrator shall be final and conclusive and binding on all persons.

Arbitrator shall make proposals in certain matters.

32. In matters arising out of clauses (*4*), (*5*), (*6*) and (*9*) of section 30, the arbitrator shall estimate or calculate what is required by such clauses to be estimated or calculated and shall forthwith make proposals on all such matters to the President of the Tribunal of Arbitration for the decision of such Tribunal.

Constitution of the Tribunal of Arbitration

33. (*1*) The Tribunal of Arbitration shall consist of a President and two Assessors.

(*2*) The President shall, in the City of Bombay, be a person who holds or has held office as a Judge of the High Court of Judicature, to be appointed by the Chief Justice, in the district of Karachi, be such Additional Judicial Commissioner as may be appointed by the Judicial Commissioner, and elsewhere the District Judge.

(*3*) One of the Assessors shall be an impartial person to be appointed, in the City of Bombay, by such person who holds or has held office as a Judge of the High Court, in the district of Karachi, by such Additional Judicial Commissioner, and elsewhere by the District Judge.

(*4*) The other Assessor shall be the arbitrator.

(*5*) The President and the Assessor shall be appointed members of the Tribunal of Arbitration for such period as may be required by such Tribunal to decide in connection with a particular town-planning scheme all matters arising out of clauses (*4*), (*5*), (*6*) and (*9*) of section 30.

(*6*) The Governor in Council may, if he thinks fit, remove for inability or misconduct or any other good and sufficient reason the Assessor appointed under sub-section (*3*) or the Arbitrator.

(*7*) If any member of the Tribunal of Arbitration is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such member shall appoint forthwith a fit person to take the place of such member.

Place where the Tribunal may sit.

34. The Tribunal of Arbitration may sit either at the Headquarters of the President or at any other place, within the local limits of his jurisdiction, which he may consider convenient for the decision of any matter before such Tribunal.

Right to appear by recognised agent.

35. Every party to any proceeding before the Tribunal of Arbitration shall be entitled to appear either in person or by his recognised agent.

Decision of questions of law and procedure and other questions.

36. All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by the majority of them.

Powers of the Tribunal to decide matters finally.

37. (*1*) After making such enquiry as the President may think fit the Tribunal of Arbitration may accept, modify, vary, or reject the proposals of the arbitrator and shall decide all matters arising out of clauses (*4*), (*5*), (*6*) and (*9*) of section 30.

(*2*) Every decision of the Tribunal of Arbitration shall be final and conclusive and binding on all persons.

Tribunal not a Court.

38. Nothing contained in this Act shall be deemed to constitute the Tribunal of Arbitration to be a Court.

Remuneration of arbitrator and Assessor and payment of incidental expenses of Tribunal.

39. (*1*) The arbitrator, the President of the Tribunal of Arbitration, and the Assessor shall, save where they are salaried officers of Government, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the Governor in Council may from time to time determine.

(*2*) The salary of an arbitrator, a President of the Tribunal of Arbitration or an Assessor who is a salaried officer of Government, and any remuneration payable under sub-section (*1*) and all expenses incidental to the working of the Tribunal of Arbitration shall, unless the Governor in Council otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme.

Final scheme.

40. (*1*) After the Tribunal of Arbitration has decided all matters arising out of clauses (*4*), (*5*), (*6*) and (*9*) of section 30, the arbitrator shall forward the final scheme through the local authority to the Governor in Council, who, on sanctioning the same, shall publish a notification relating thereto in the Bombay Government Gazette and in any other way which may be prescribed.

(*2*) In such notification it shall be stated where the final scheme is open to the inspection of the public and the price at which copies may be obtained, and a date not earlier than one month after the publication of such notification shall be fixed as the date on which all liabilities created by the scheme shall take effect and the final scheme shall come into force.

(*3*) On and after the date fixed in such notification a town planning scheme shall have effect as if it were enacted in this Act.

Effect of final scheme.

41. On the day on which the final scheme comes into force—

(*a*) all lands required by the local authority shall, unless it is otherwise determined in such scheme, vest absolutely in the local authority free from all encumbrances ;

(*b*) all rights in original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the arbitrator.

42. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the local authority.

Power of local authority to evict summarily

43. (*1*) On and after the day on which the final scheme comes into force the local authority may after giving the prescribed notice and in accordance with the provisions of the scheme—

Power to enforce scheme.

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the local authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(*2*) Any expenses incurred by a local authority under this section may be recovered from the persons in default in the manner hereinbefore provided for the recovery of sums due to the local authority under the provisions of this Act.

(*3*) If any question arises as to whether any building or work contravenes a town-planning scheme, or whether any provision of a town-planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Governor in Council in the City of Bombay or the Commissioner elsewhere, and his decision shall be final and conclusive and binding on all persons.

44. For the purposes of this Act an officer appointed under sub-section (*1*) of section 4, an arbitrator or a Tribunal of Arbitration may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the [1] Code of Civil Procedure, 1908.

Power to compel attendance of witnesses.

V of 1908.

CHAPTER V.—MISCELLANEOUS.

45. (*1*) When two or more local authorities are of opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the making of a joint town-planning scheme, and the Governor in Council agrees with such opinion, a joint Town Planning Board shall be constituted.

Joint town-planning schemes.

[1] General Acts, Vol. VI.

(2) Such Board shall consist of representatives of each of the several local authorities and of persons nominated by the Governor in Council in such proportion as may be prescribed.

(3) The representatives of the several local authorities shall be elected in the prescribed manner on dates appointed by the Governor in Council in the City of Bombay and by the Commissioner elsewhere.

(4) Such Board, when duly constituted, shall make a declaration of intention to make a joint town planning scheme in respect of the contiguous areas in the manner provided in section 9 and thereafter the procedure shall follow all the provisions of this Act and such Board shall have all the powers and be liable to all the duties of a local authority under the provisions of this Act.

(5) The draft joint town-planning scheme shall specify the parts of the scheme to be executed by the several local authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme, have effect in the several contiguous areas as if they were separate schemes:

provided that any part of a joint town-planning scheme may be executed jointly by two or more local authorities.

Vesting of property and rights of a local authority ceasing to exist or ceasing to have jurisdiction.

[1][**45A.** When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town planning scheme the property and rights vested in such local authority under this Act shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the Governor in Council may, with the consent of such authority or authorities, by notification in the Bombay Government Gazette direct; and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such scheme or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had.]

Power to vary or revoke a town-planning scheme.

46. (1) A town planning scheme may at any time be varied or revoked by a subsequent scheme prepared, published and sanctioned in accordance with this Act.

(2) The Governor in Council, on the application of the local authority or of any person appearing to him to be interested, may at any time, by notification in the Bombay Government Gazette, revoke a town-planning scheme if he thinks that under the special circumstances of the case the scheme should be so revoked.

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[1] Section 45A was inserted by s. 2 of the City of Bombay Police (Amendment) Act, 1920 (Bom. Act 6 of 1920), *infra.*

47. If at any time after the day on which the final scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the local authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

Compensation when final scheme is varied or revoked.

48. If in the opinion of the Governor in Council any local authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the Governor in Council, or any person or persons appointed in this behalf by the Governor in Council, may exercise such power or perform such duty.

Governor in Council may himself or through any person exercise power or perform duty conferred or imposed on a local authority.

49. No suit or other legal proceeding shall be maintained in respect of the exercise of any discretion conferred by this Act or against any public servant or person duly appointed or authorised under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Bar of legal proceedings.

XVI of 1908.

50. (*1*) Nothing in the [1]Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked.

Registration of document, plan or map in connection with a final scheme is not required.

XVI of 1908.

(*2*) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the [1]Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

I of 1894.

51. Land needed for the purpose of a town-planning scheme shall be deemed to be land needed for a public purpose, within the meaning of the [2]Land Acquisition Act, 1894.

Land needed for purpose of town-planning scheme may be compulsorily acquired.

52. (*1*) The Governor in Council may make rules consistent with the provisions of this Act to provide for all matters not specifically enacted therein.

Rules.

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[1] General Acts, Vol. VI.
[2] General Acts, Vol. IV.

(2) In particular and without prejudice to the generality of the foregoing power such rules shall be made to determine the following matters : —

(*a*) the procedure to be followed by the officer appointed to hold an enquiry for the purpose of deciding a disputed claim as to ownership under section 4 ;

(*b*) the notice to be given under section 5 ;

(*c*) the manner of publication of a declaration of intention to make a scheme under sub-section (2) of section 9 ;

(*d*) the manner of publication of a draft scheme under section 10 ;

(*e*) the further particulars to be prescribed for inclusion in the draft scheme under clause (*f*) of section 11 ;

(*f*) the form of the commencement certificate to be granted by a local authority under clause (*a*) of sub-section (*1*) of section 15 and the conditions, if any, to be included therein ;

(*g*) the procedure to be followed by a local authority in making an enquiry under clause (*c*) of sub-section (*1*) of section 15 ;

(*h*) the time to be allowed for making a claim to compensation under section 21 ;

(*i*) the period within which payment is to be made to the local authority under section 24 ;

(*j*) the procedure to be prescribed under section 30 and the notices to be given under sub-sections (*1*), (*2*) and (*9*) of that section ;

(*k*) the form in which the arbitrator is to draw up the final scheme under sub-section (*10*) of section 30 ;

(*l*) the way in which the [1] [Governor in Council] is to publish a notification relating to the final scheme under sub-section (*1*) of section 40 ;

(*m*) the procedure to be followed by the local authority in summarily evicting a person under section 42 ;

(*n*) the notice to be given by the local authority before it takes action under section 43 ;

(*o*) the proportion of elected and nominated persons on a Joint Planning Board under sub-section (2) of section 45 ;

(*p*) the manner of election of representatives of the several local authorities under sub-section (*3*) of section 45 ;

[1] These words were substituted for the words " local authority " by s. 4 of the Bombay Town Planning (Amendment) Act, 1920 (Bom. Act 18 of 1920), *infra*.

(*q*) the manner in which documents, plans and maps shall be made accessible to the public under the proviso to section 50;

(*r*) the procedure to be adopted for securing co-operation on the part of the local authority with the owners or persons interested in land proposed to be included in a town-planning scheme at every stage of the proceedings by means of conferences and such other means as may be expedient;

(*s*) the procedure to be followed by an arbitrator appointed under this Act;

(*t*) the procedure to be followed by a Tribunal of Arbitration under this Act;

(*u*) the procedure to be followed generally in carrying out the provisions and objects of this Act;

(*v*) the extent to which the proceedings of local authorities under this Act shall be regulated by any municipal or local law applicable to such authorities.

(*3*) The power to make rules under this Act shall be subject to the condition of previous publication.

BOMBAY ACT No. II OF 1915.[1]

[THE SINDH COAST-LIGHTS ACT, 1915.]

[*20th May, 1915*]

An Act to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind.

WHEREAS it is expedient to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Sind; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Sind Coast-lights Act, 1915.

(*2*) It extends to the whole of the Province of Sind.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Customs Collector" means a Customs Collector appointed under the [2]Sea Customs Act, 1878, and includes any person appointed by the Commissioner in Sind to discharge the functions of a Customs Collector under this Act; and

VIII of 1878

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Part VII, page 562; for Report of Select Committee, *see ibid*, 1915, Part VII, page 90; and for Proceedings in Council, *see ibid*, 1915, Part VII, pages 85 and 233.

[2]General Acts, Vol. II.

(b) " ton " means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships.

Imposition of coast-light dues.

3. (1) For the purpose of providing lights on the coast of the Province of Sind, coast-light dues shall be paid in respect of every vessel of the burden of forty-five tons or upwards arriving at or clearing out of any port, within the Province of Sind, notified in this behalf by the Commissioner in Sind.

(2) The said dues shall be paid at such rates, not exceeding 9 pies per ton, as the Governor in Council may, from time to time, fix by notification in the Sind Official Gazette, provided that sailing vessels shall not be chargeable at more than half the rates which would be chargeable if they were steam-vessels.

(3) The said coast-light dues shall be paid—

(a) in the case of a vessel clearing out of a port in Sind, previous to the grant of port-clearance ; and

(b) in the case of a vessel arriving from a port outside Sind at a port in Sind, immediately upon her arrival in such port :

Provided that, when coast-light dues have been paid, in accordance with the provisions of this Act, in the case of any vessel, no further coast-light dues shall be payable in respect of that vessel for a period of thirty days from the date on which such dues were paid.

Collection of coast-light dues, and grant of receipt therefor.

4. The Customs Collector shall levy the coast-light dues payable under section 3, and shall grant to the person paying the same a receipt in writing under his hand specifying —

(a) the port at which the coast-light dues are paid ;

(b) the amount paid ; and

(c) the name, tonnage and other proper description of the vessel in respect of which the payment is made.

Master to report arrival of vessel.

5. Within twenty-four hours after the arrival in any port of a vessel in respect of which coast-light dues are payable under section 3, the master shall give notice in writing of such arrival to the Customs Collector.

Ascertainment of tonnage.

6. In order to ascertain the tonnage of any vessel in respect of which coast-light dues are payable under section 3, the following rules shall be observed, namely :—

(a) Where the vessel is registered under any law for the time being in force in British India, the Customs Collector may require the owner or master, or any other person having possession of her register, to produce such register for inspection ; and, if any such owner, master or other person neglects or refuses to produce such register or otherwise to satisfy the Customs

Collector as to what is the true tonnage of the vessel in respect of which such coast-light dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the Customs Collector may cause the vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or master shall also be liable to pay the expenses of such measurement and ascertainment.

(*b*) Where the vessel is not so registered, and the owner or master fails to satisfy the Customs Collector as to what is her true tonnage according to the mode of measurement prescribed by the law for regulating the measurement of British registered vessels for the time being in force, the Customs Collector shall cause the vessel to be measured and the tonnage thereof to be ascertained according to such mode as aforesaid; and in such case the owner or master shall be liable to pay the expenses of such measurement and ascertainment.

Recovery of coast-light dues, expenses and costs.

7. Where the master of any vessel refuses or neglects to pay to the Customs Collector on demand the amount of any coast-light dues or expenses payable under this Act in respect of such vessel, the Customs Collector may seize the vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid;

and in case any part of such dues or expenses, or of the costs of such seizure and detention, remains unpaid for the space of five days next after any seizure so made, the Customs Collector may cause the vessel or other thing so seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses and costs (including the costs of sale) remaining unpaid, and shall, on demand, render the surplus (if any) to the master of the vessel.

No port-clearance to be granted until coast-light dues, expenses and costs are paid.

8. The officer whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of the officer, the amount of all coast-light dues, expenses and costs payable in respect of the vessel under this Act, and of any fine imposed thereunder.

Penalty for evading payment of coast-light dues, expenses or costs.

9. Whoever, being the master of a vessel, evades, or attempts to evade, the payment of any coast light dues, expenses or costs payable in respect of such vessel under this Act, shall be punishable with fine which may extend to two hundred rupees.

Determination of dispute as to liability to pay coast-light dues, expenses or costs.

10. Where any dispute arises as to whether any coast-light dues, expenses or costs are payable in respect of any vessel under this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate exercising at the place where the dispute arises powers not less than those of a Magistrate of the second class; and the decision of such Magistrate shall be final.

Saving for certain vessels.

11. Nothing in this Act shall be deemed to apply to any vessel belonging to, or in the service of, His Majesty or the Government, or to any vessel of war belonging to any Foreign Prince or State.

BOMBAY ACT No. III OF 1915.[1]

[THE BOMBAY DECENTRALIZATION ACT, 1915.]

[*15th June, 1915.*]

An Act to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.

WHEREAS it is expedient to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892,[2] has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Decentralization Act, 1915.

Amendments of certain enactments.

2. The enactments specified in the third columns of the Schedules I and II are hereby amended to the extent and in the manner specified in the fourth columns thereof.

Saving of orders, etc., issued by previous authorities.

3 Any appointment, notification, order, scheme rule, form or bye-law made or issued by an authority for the making or issuing of which a new authority is substituted by or under this Act shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority unless and until superseded by an appointment, notification, scheme, rule, form or bye-law made or issued by such new authority.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1914, Pt. VII, page 1063; for Report of Select Committee, *see ibid*, 1915, Pt. VII, page 97; and for Proceedings in Council, *see ibid*, 1915, Pt. VII, pages 84 and 245.

[2] *See* now Section 80-A of the Government of India Act.

SCHEDULE I.

Acts of the Governor of Bombay in Council.

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
[1] *	*	* *	* * *
1867	VIII	Bombay Village Police Act, 1867.	1. In section 5, clause 1, omit the words "subject to the approval of the Commissioner".
			2. In section 9, paragraph 2, for the words "Provided that no person of the rank of patel shall be dismissed under this section without the sanction of the Commissioner, or, if he is an officiator under the provisions of the Bombay Hereditary Offices Act, of Government" substitute the words "Provided that no person of the rank of patel, if he is an officiator under the provisions of the Bombay Hereditary Offices Act, shall be dismissed under this section without the sanction of Government." (Bom. Act III of 1874.) (Bom. Act III of 1874.)
			3. In section 15, clause 1, for the words "a Commissioner by an order in writing to authorize any" substitute the word "the".
			4. In section 18 omit the words "with the sanction of the Commissioner".
1874	III	Bombay Hereditary Offices Act, 1874.	1. In section 5, sub-section (*1*), after the word "Government" insert the words "or, in the case of a mortgage, charge, alienation or lease of not more than thirty years, or the Commissioner".
			2. In section 45, clause (*f*), for the words "Governor in Council" substitute the word "Commissioner"; and in section 45, clause (*h*), for the word "Government" substitute the words "the Commissioner".
			3. In section 52 for the word "Collector" substitute the words "Mamlatdar or the Mahalkari, as the case may be".
			4. Re-number section 64 as section 64 (*1*), and for clause (*e*) of this sub-section substitute the following, namely :— "(*e*) to pass orders in regard to the dismissal of persons officiating"; and add to section 64 the following sub-section, namely :— [Vol. II of this Code, page.]
			5. In section 70 for the word "Collector" substitute the words "Mamlatdar or the Mahalkari".

[1] The entry relating to Bombay Act 6 of 1863 was repealed by s. 89 and Schedule of the Bombay Public Conveyances Act, 19[illegible] (B[illegible]. Act 7 of 1920), *infra*.

SCHEDULE 1—*contd.*

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1884	I	Bombay Local Boards Act, 1884.	1. In section 14 for the words "Governor in Council" at the two places where they occur, substitute the word "Commissioner". 2. In section 17, paragraph 1, for the word "Government" substitute the words "the Commissioner". 3. In section 20, paragraph 3, for the words "Government so direct" substitute the words "the Commissioner so directs". 4. In section 36, paragraph 2, for the word "Government" substitute the words "the Commissioner, if the local bodies are in one division, and of Government, if they are in different divisions". 5. In section 43 for the words "Governor in Council" at the two places where they occur, substitute the word "Commissioner". 6. In the proviso to section 44 for the words "Governor in Council" substitute the words "Commissioner, if the districts are in one division, and the Governor in Council, if they are in different divisions".
1887	VI	Matádars Act, 1887.	1. In section 28 for the word "Collector" substitute the words "Mámlatdár or Mahálkari, as the case may be". 2. In section 30, sub-section (*1*), clause (*g*), for the words "Governor in Council" substitute the word "Commissioner"; and in section 30, sub-section (*1*), clause (*h*), for the word "Government" substitute the words "the Commissioner".
1888	V	Aden Port Trust Act, 1888.	1. In section 11, sub-section (*1*), after the word "up" insert the words "by the Political Resident at Aden"; and in section 11, sub-section (*2*), after the word "appointed" insert the words "by the Political Resident at Aden"
1889	I	Bombay Village Sanitation Act, 1889.	1. In section 5, sub-sections (*1*) and (*2*), and in section 7, sub-sections (*1*) and (*2*), for the words "Governor in Council" wherever they occur, substitute the word "Commissioner". In section 7, sub-section (*2*), for the words "a Secretary to Government" substitute the words "the Commissioner".

SCHEDULE I—*contd.*

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1889	I	Bombay Village Sanitation Act, 1889—*contd.*	In section 7, sub-section (*3*), for the word "Government" at the first place where it occurs the words "the Commissioner" shall be substituted; and for the words "it may" substitute the words "he may". In section 7, sub-section (*4*), for the word "Government" substitute the words "the Commissioner". 2. In section 19, sub-section (*1*), for the word "Government" at the first place where it occurs substitute the words "the Collector"; and in section 19, sub-section (*1*), for the words "Government directs" substitute the words "he may direct". In section 19, sub-section (*2*), for the words "subject to the orders of Government, appoints" substitute the words "may appoint". 3. In section 21, sub-section (*1*), omit the words "subject to the orders of Government". 4. In section 32 for the word "Government" substitute the words "the Commissioner". 5. In section 41, sub-section (*1*), for the words "Government appoints" substitute the words "the Commissioner may appoint". 6. In section 42 for the word "Government" substitute the words "the Commissioner". 7. In section 44 omit the words "with the sanction of Government".
1890	IV	Bombay District Police Act, 1890.	1. In section 11, sub-section (*1*), for the words "the Magistrate of the district in which he is enrolled" substitute the words "the Inspector-General, in the case of a Sub-Inspector, of the District Superintendent of the district in which he is enrolled, in the case of Police officers below the rank of a Sub-Inspector and not in the Criminal Investigation Department, and of the Deputy Inspector-General, Criminal Investigation Department, in the case of Police officers in the Criminal Investigation Department below the rank of a Sub-Inspector". 2. In sections 23 and 25A for the word "Government" wherever it occurs, substitute the words "the Commissioner". 3. In section 25A, sub-section (*4*), omit the words "or by such officer as they from time to time empower in this behalf".

SCHEDULE I—*contd.*

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1890	IV	Bombay District Police Act, 1890—*contd.*	4. In section 35, sub-section (*2*), after the words "District Superintendent" at the first place where they occur, insert the words "Assistant Superintendent or Deputy Superintendent" and for the words "or District Superintendent" substitute the words "District Superintendent, Assistant Superintendent or Deputy Superintendent". 5. In section 39, sub-section (*3*), for the word "Government" wherever it occurs, substitute the words "the Commissioner". 6. In section 45, sub-section (*2*), for the word "Government" substitute the words "the Commissioner". 7. In section 61, for the word "Government" substitute the words "the Commissioner". 8. In section 62, sub-section (*2*), for the word "first" substitute the word "second". 9. In Schedule B for the words "Seal of the Magistrate of the District" substitute the words "Seal of the Inspector-General, the District Superintendent, or the Deputy Inspector-General, Criminal Investigation Department, as the case may be".
1901	III	Bombay District Municipal Act, 1901.	1. Re-number section 11 as section 11, sub-section (*1*), and add to the section the following sub-section, namely :— [Vol. IV of this Code, page.] 2. In section 16, after the word "Council" insert the words "in the case of City Municipalities, and the Commissioner in other cases". 3. In section 23, sub-section (*5*), clause (*a*), for the words "Governor in Council" substitute the word "Commissioner". 4. In section 35, sub-section (*5*), for the words "Governor in Council" substitute the word "Commissioner". 5. To section 46, proviso (*a*), the following words shall be added, namely :— [Vol. IV of this Code, page.] 6. In section 56, clause (*m*), omit the words "in the case of City Municipalities, of the Commissioner, or in other cases".

SCHEDULE I - *concld.*

1	2	3	4
Year of Act.	No.	Short Title.	Amendments.
1901	III	Bombay District Municipal Act, 1901—*contd.*	*7.* In section 144, sub-section (*1*), and section 145, sub-section (*2*), after the word "Council" where it occurs for the first time insert the words "in the case of City Municipalities, and the Commissioner in other cases," and after the word "Council" where it occurs for the second time, insert the words "or the Commissioner, as the case may be". 8. In section 150, sub-section (*1*), for the words "Governor in Council" at the two places where they occur, substitute the word "Commissioner".
1902	IV	City of Bombay Police Act, 1902.	1. In section 22, sub-section (*1*), at the commencement of the section insert the words "in the case of rules under clause (*b*), subject to the control of the Governor in Council, and in other cases". 2. In section 23, sub-section (*4*), omit the words "subject to the orders of the Governor in Council". 3. In section 27, sub-section (*1*), omit the words "with the sanction of the Governor in Council". 4. In section 45, sub-section (*1*), omit the words "with the previous sanction of the Governor in Council": and in section 45, sub-section (*2*), omit the words "Governor in Council, on the recommendation of the". 5. In section 51, sub-section (*1*), omit the words "subject to the approval of the Governor in Council".

SCHEDULE II.

Act of the Governor General of India in Council.

Year of Act.	No.	Short Title.	Amendments.
1	2	3	4
1857	XXIX	Act to make better provision for the collection of land-customs on certain foreign frontiers of the Presidency of Bombay.	1. In section 13, paragraph 1, for the words "Governor in Council" substitute the words "Commissioner of Customs"; and in section 13, paragraph 2, for the word "Government" substitute the words "the Commissioner of Customs". 2. In section 20, paragraph 2, for the word "one" substitute the word "five".

BOMBAY ACT No. IV of 1915.[1]

[The Bombay City Survey Act, 1915.]

[7th October, 1915.]

An Act to provide for a survey of the Town and Island of Bombay.

Preamble. WHEREAS it is expedient to provide for the survey and demarcation of land in the Town and Island of Bombay; It is hereby enacted as follows :—

Short title and extent. **1.** (*1*) This Act shall be called the Bombay City Survey Act, 1915 ;

(*2*) It extends to the Town and Island of Bombay.

Interpretation clause. **2.** In this Act unless there is anything repugnant in the subject or context,—

"Survey." (*a*) "Survey" includes identification of boundaries and all other operations antecedent to, or connected with, survey:

"Superintendent." (*b*) "Superintendent" means Superintendent of Survey under this Act:

"Land." (*c*) "Land" includes anything attached to the earth or permanently fastened to anything attached to the earth:

"Holder." (*d*) "Holder", in relation to any land, means the occupier of such land, or where rent is paid for such land, any person in receipt of rent for such land who does not pay rent to another person:

Explanation.—"Rent" in this clause does not include money paid for land to Government or to the Municipal Corporation of the City of Bombay or to the Trustees for the Improvement of the City of Bombay or to the Trustees of the Port of Bombay or to a fazendar, except when such money is paid by a person holding such land on a tenancy for a term of less than one year.

Government order ey and int rintend- **3.** (*1*) The Governor in Council may, whenever he thinks fit, order that a survey shall be made of the lands situated in the Town and Island of Bombay, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey.

(*2*) The Assistant Superintendents shall exercise such powers as may be delegated to them by the Superintendent.

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[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1914, Pt VII. p. 1058; for Report of Select Committee, see ibid, 1915, Pt. VII, p. 105; and for Proceedings in Council, see ibid, 1915, Pt. VII, pp. 70 and 415.

4. The Superintendent or any other officer employed in the survey may enter, between the hours of sunrise and sunset, upon any land within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry or of anything done on such land in pursuance of this Act:

Superintendent may enter upon land.

Provided that no such entry shall be made unless a notice of the intention to make such entry has been posted at least twenty-four hours previously in some conspicuous manner on the land.

5. Before entering on any land for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the holder or occupier of the land about to be surveyed and on the holders or occupiers of conterminous lands, calling upon them to attend either personally or by agent on such land before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice), for the purpose of pointing out boundaries and of affording such information as may be needed for the purposes of this Act, and intimating that in the event of their failing to attend he or such officer will proceed with the survey in their absence.

Notice to be served on holders to attend.

6. After due service of notice under section 5, the Superintendent, or such officer as may be authorized by him, may proceed with the survey whether the persons upon whom notices have been served are present or not.

After service of notices Superintendent may proceed with survey.

7. (*1*) The Superintendent shall prepare a map and a register of all lands which have been surveyed under this Act.

Survey map and register.

(*2*) To every piece of land separately shown on the map and entered in the register an indicative number shall be assigned, and the name of the person appearing to be the holder thereof at the time of the survey shall be entered in the register.

(*3*) Nothing contained in such map or register shall affect the rights of any person.

8. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient for the purpose of the survey:

Superintendent may erect boundary marks.

Provided that no permanent boundary mark shall be erected when the boundary is defined by a permanent building, wall or fence.

9. (*1*) When any temporary boundary mark has been erected under section 8, the Superintendent may cause a notice in writing under his hand to be served on the holder of the land whereon, or adjoining which, such

Maintenance of temporary boundary marks.

boundary mark is situate requiring him to maintain such boundary mark till the survey has been completed.

(2) Should such holder not comply with such notice, the Superintendent may repair the boundary mark and expenses shall be recoverable from such holder as an arrear of land revenue under the provisions of the [1]Bombay City Land-revenue Act, 1876.

Bom. Act II of 1876.

Survey-fee may be charged.

10. (1) The holder of any land surveyed under this Act shall be liable to the payment of a survey-fee assessed on the area and rateable value of such land :

Provided that the aggregate amount of the survey-fees assessed under this section shall not be greater than one-half of the total cost of the survey.

(2) The amount of the survey-fee payable under sub-section (1) shall be regulated by the Collector in accordance with rules made by the Governor in Council under section 18 ;

Provided that—

(a) no survey-fee shall be payable by Government or by the Municipal Corporation of the City of Bombay or by the Trustees for the Improvement of the City of Bombay or by the Trustees of the Port of Bombay ;

(b) the holder of any land of which the area and rateable value do not exceed such limit as may be prescribed by rule made by the Governor in Council under section 18 shall be exempt from the payment of any survey-fee in respect of that land ;

(c) no survey-fee shall be payable in respect of buildings and lands exclusively occupied for public worship or for charitable purposes which under the [2]City of Bombay Municipal Act, 1888, are exempt from the levy of the general tax.

Bom. Act III of 1888.

(3) Any survey-fee assessed in accordance with sub-sections (1) and (2) shall be payable within three months from the date of a notice to be served by the Collector upon the person liable therefor after the completion of the survey of the Town and Island of Bombay, and such survey-fee shall be leviable as an arrear of land revenue under the provisions of the [1]Bombay City Land-revenue Act, 1876.

Bom. Act II of 1876.

[1] Vol. II of this Code.

[2] Vol. III of this Code.

(*4*) Any person who has paid the survey-fee assessed on any land under this section shall be entitled to receive free of charge a certified extract from the map and a certified extract from the register prepared under section 7, so far as they relate to such land.

All documents connected with the survey to be sent to the Collector.

11. (*1*) After the survey of any part of the town has been completed, the Superintendent shall deposit with the Collector all maps, registers and other documents connected with the survey of such part.

(*2*) Such deposit shall be notified in the Bombay Government Gazette, and any person interested in the survey may, at any time within two months from the date of such notification, inspect such maps, registers and other documents free of charge.

(*3*) During such period the Collector may, if necessary and without prejudice to the rights of any of the parties concerned, cause the map or the register prepared under section 7 to be corrected free of charge.

Maintenance of survey map and register.

12. (*1*) The map and register prepared under section 7 shall be maintained by the Collector, who shall cause the map to be revised and the entries in the register to be corrected from time to time as may be necessary, without prejudice to the rights of any person :

Provided that no person shall for the purposes of this Act be required to give notice of the acquisition of any interest in land.

(*2*) The Collector may assess the cost of the revision of any part of the map and all contingent expenses on the land to which such part relates, and such cost shall be payable by the holder of such land, subject to the same exemption as is provided in section 10, sub-section (*2*), proviso (*a*), with reference to the payment of survey-fees and shall be leviable as an arrear of land revenue under the provisions of the [1] Bombay City Land-revenue Act, 1876.

Bom. Act II of 1876.

Revision of maps.

13. Subject to rules made in this behalf by the Governor in Council under section 18, any officer acting under the orders of the Collector of Bombay may, for the purpose of revising any map prepared under this Act, exercise any of the powers of a Superintendent under this Act.

How notice may be served.

14. Every notice required by this Act to be served on any person may be served—

(*a*) by delivering the same to such person, or when such person cannot be found, by posting the same on some conspicuous part of the house in which such person usually resides or holds his office or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his

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[1] Vol II of this Code.

family, and, in the case of a notice served under section 5 or section 9, by fixing a copy in some conspicuous manner on the land to which it relates; or

(b) by sending a registered cover through the post office containing such notice addressed to such person at the place where he resides.

Privilege of title-deeds.

15. No person shall for the purposes of this Act be compelled to produce his title-deeds to any land or to disclose their contents.

Amendment of section 10 of Bombay Act II of 1876.

16. In section 10 of the [1]Bombay City Land-revenue Act, 1876, for the words "the survey made under the authority of Government during the years 1865 to 1872" the words "the latest survey completed under the authority of Government" shall be substituted. Bom. Act II of 1876.

Amendment of section 31 of Bombay Act II of 1876.

17. In the second sentence of section 31 of the [1]Bombay City Land-revenue Act, 1876, for the words "a person of professional competence in that respect recognized by the Collector" the words "such officer as the Collector may direct" shall be substituted. Bom. Act II of 1876.

Rules.

18. (1) The Governor in Council may make rules not inconsistent with this Act to carry out the objects and provisions thereof.

(2) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

Proceedings not to be affected by informality.

19. No proceedings under this Act shall be affected by reason of any informality, provided that the provisions of this Act be in substance and effect complied with.

BOMBAY ACT No. V of 1915.[2]

[THE BOMBAY PROTECTION OF PILGRIMS (AMENDMENT) ACT, 1915.]

[*12th October, 1915.*]

An Act to amend the Protection of Pilgrims Act, 1887.

WHEREAS it is expedient to amend the [1]Protection of Pilgrims Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act II of 1887

Short title.

1. This Act may be called the Bombay Protection of Pilgrims (Amendment) Act, 1915.

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[1] Vol. II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1915, Pt. VII, p. 95; for Report of Select Committee, *see ibid*, 1915, Pt. VII, p. 205; and for Proceedings in Council, *see ibid*, 1915, Part VII, pp. 247 and 390.

Bom. Act II of 1887.

Amendment of section 6 of Bom. II of 1887.

2. In section 6, clause (*b*), of the [1]Protection of Pilgrims Act, 1887, hereinafter called "the said Act," for the words "Native Passenger Ships Act, 1876," the words "Pilgrim Ships Act, 1895," shall be substituted and for the word "seven" the figure "8" shall be substituted.

Amendment of section 11 of Bom. II of 1887.

3. For section 11 of the said Act the following shall be substituted, namely :—

[Vol. II of this Code.]

Amendment of section 12 of Bom. II of 1887.

4. For section 12 of the said Act the following shall be substituted, namely :—

[Vol. II of this Code.]

New sections 12A and 12B in Bom. II of 1887.

5. After section 12 of the said Act the following sections shall be inserted, namely :—

[Vol. II of this Code.]

Amendment of section 13 of Bom. II of 1887.

6. In section 13 of the said Act, for the words "ten of the Native Passenger Ships Act, 1876," the words "11 of the Pilgrim Ships Act, 1895," shall be substituted.

Amendment of section 15 of Bom. II of 1887.

7. In section 15 of the said Act, for the words "thirty-nine, forty and forty-two of the Native Passenger Ships Act, 1876," the figures and words "51, 52 and 54 of the Pilgrim Ships Act, 1895," shall be substituted.

BOMBAY ACT No. I OF 1916[2].

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1916.]

[*12th February, 1916.*]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. Act III of 1888.

WHEREAS it is expedient further to amend the [3]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1916.

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[1] Vol. II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1915, Pt. VII p. 262; for Report of Select Committee, *see ibid*, 1915, Pt. VII, p. 470; and for Proceedings in Council, *see ibid*, 1915, Pt. VII, pp. 400 and 581.

[3] Vol. III of this Code.

Amendment of section 3.

2. To section 3 of the [1]City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following definitions shall be added :—

Bom Act III of 1888.

[Vol. III of this Code.]

Amendment of section 68.

3. In the list of sections in sub-section (2) of section 68 of the said Act after sections "375" and "354, clause (a)." respectively, sections "375A", and "354A" shall be entered.

Amendment of section 337.

4. For sub-section (2) of section 337 of the said Act, the following sub-section shall be substituted : —

[Vol. III of this Code.]

Amendment of section 338.

5. (*1*) In clause (*a*) of sub-section (*1*) of section 338 of the said Act, after the word "appurtenances", the following words shall be inserted :—

[Vol. III of this Code.]

(*2*) In clause (*c*) of sub-section (*1*) of section 338, for the words "a scale of not less than one inch to every forty feet" the following words shall be substituted :—

[Vol. III of this Code.]

Amendment of section 342.

6. (*1*) In clause (*b*) of section 342 of the said Act, for the words "ground level" the words "plinth level" shall be substituted.

(*2*) In clause (*c*) of section 342 after the word "aforesaid" the following words shall be inserted : —

[Vol. III of this Code.]

(*3*) In the body of section 342 after the word "work", where it occurs on the second occasion, the following words shall be inserted :—

[Vol. III of this Code.]

New section 347A.

7. After section 347 of the said Act the following section shall be inserted :—

[Vol. III of this Code.]

New section 375A.

8. After section 375 of the said Act, the following section shall be inserted :—

[Vol. III of this Code.]

Amendment of section 377.

9. In section 377 of the said Act,

(*a*) below sub-section (*1*) the following sub-section shall be added, namely :—

[Vol. III of this Code.]

(*b*) in sub-section (*2*) after the word "premises" wherever it occurs the words "or such street" shall be inserted.

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[1]Vol. III of this Code.

10. After section 384 of the said Act, the following section shall be inserted :— New section 384A.

[Vol. III of this Code.]

11. In section 390 of the said Act, Amendment of section 390.

(*a*) in sub-section (*1*) after the word "Commissioner" the words "nor shall any person work, or allow to be worked, any such factory, workshop or work place without such permission" shall be inserted ;

(*b*) below sub-section (*2*) the following sub-section shall be added, namely :—

[Vol. III of this Code.]

12. To clause (*f*) of section 461 of the said Act, the following words shall be added, namely :— Amendment of section 461.

[Vol. III of this Code.]

13. In the table appended to section 471 of the said Act, Amendment of section 471.

(*a*) below the entry relating to section 347, sub-section (*1*), the following shall be inserted :—

In column (1), "Section 347A."

In column (2), "Building not to be converted to other purposes without the permission of the Commissioner."

In column (3), "Five hundred rupees."

(*b*) below the entry relating to section 375 the following shall be inserted :—

In column (1), "Section 375A."

In column (2), "Requisition to remove building materials, etc., from any premises."

In column (3), "Fifty rupees."

(*c*) below the entry relating to section 384, sub-section (*1*), the following shall be inserted :—

In column (1), "Section 384A."

In column (2), "Requisition to discontinue, etc., stabling animals or storing grain in dwelling house."

In column (3), "Fifty rupees."

(*d*) In column 2 of the entry relating to section 390, sub-section (*1*), after the word "established", the words "or worked" shall be inserted ;

(*e*) below the entry relating to section 390, sub-section (*1*), the following entry shall be inserted, namely :—

In column (1), "Section 390, sub-section (*3*)."

In column (2), "Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment."

In column (3), "One thousand rupees."

[A]mendment [o]f section [47]2.

14. In the table appended to section 472 of the said Act,

(*a*) below the entry relating to section 347, sub-section (*1*), the following shall be inserted :—

In column (1), "Section 347A."

In column (2), "Building not to be converted to other purposes without the permission of the Commissioner."

In column (3), "One hundred rupees."

(*b*) below the entry relating to section 375 the following shall be inserted :—

In column (1), "Section 375A."

In column (2), "Requisition to remove building materials, etc., from any premises."

In column (3), "Five rupees."

(*c*) below the entry relating to section 384, sub-section (*1*), the following entries shall be made, namely :—

In column (1), "Section 384A."

In column (2), "Requisition to discontinue, etc., stabling animals in dwelling house."

In column (3), "Twenty rupees."

In column (1), "Section 390, sub-section (*1*)."

In column (2), "Prohibition of working of factory, etc., established without written permission."

In column (3), "Five hundred rupees."

In column (1), "Section 390, sub-section (*3*)."

In column (2), "Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment."

In column (3), "Five hundred rupees."

[A]mendment [o]f Schedule [M].

15. In Part IV of Schedule M of the said Act, after the entry "Dyeing cloth or yarn, in indigo or other colour" the following entry shall be inserted :—

"Keeping of eating-houses."

BOMBAY ACT No. II OF 1916.[1]

[THE SINDH COURTS (AMENDMENT) ACT, 1916]

[*10th February, 1916.*]

An Act further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind.

WHEREAS it is expedient further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, in manner hereinafter appearing:

AND WHEREAS the previous sanction of the Governor General required by section 5 of the[2] Indian Councils Act, 1892, has been obtained for the passing of the Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Sind Courts (Amendment) Act, 1916.

Bom. Act XII of 1866. Substitution of section for section 9 E.

2. For section 9E of the [3]Act to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind, the following section shall be substituted, namely:—

[Vol. II of this Code.]

BOMBAY ACT No. III OF 1916.[4]

[THE BOMBAY MEDICAL (AMENDMENT) ACT, 1916.]

[*11th March, 1916.*]

An Act further to amend the Bombay Medical Act, 1912.

WHEREAS it is expedient further to amend the [5]Bombay Medical Act, 1912, hereinafter called "the said Act", in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Medical (Amendment) Act, 1916.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1915, Pt. VII, p. 502; and for Proceedings in Council, *see ibid*, 1915, Pt. VII, p. 598.

[2]See now s. 80-A of the Government of India Act.

[3]Vol. II of this Code.

[4]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1915, Pt. VII, p. 269; for Report of Select Committee, *see ibid*, 1915, Pt. VII, p. 477; and for Proceedings in Council, *see ibid*, 1915, Pt. VII, pp. 409 and 587.

[5]*Supra.*

Amendment of section 2.

2. (*1*) To clause (*c*) of sub-section (2) of section 2 of the said Act, the following words shall be added, namely :—

"who are registered under this Act"

(*2*) In clause (*d*) of the said sub-section, the words "or under the Medical Acts" shall be repealed.

Amendment of section 7.

3. For section 7 of the said Act, the following shall be substituted, namely : -

[*Supra.*]

Amendment of section 9.

4. In section 9 of the said Act, between the figure "1898" and the word "or" the following words shall be inserted, namely :—

[*Supra.*]

BOMBAY ACT No IV of 1916.[1]

[The Bombay Medical (Amendment) Act, 1916]

[*10th June, 1916.*]

An Act further to amend the Bombay Medical Act, 1912.

Whereas it is expedient further to amend the [2]Bombay Medical Act, 1912, in manner hereinafter appearing : It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Medical (Amendment) Act, 1916.

Amendment of section 11 of Bom. VI of 1912.

Bom. Act VI of 1912.

2. In section 11 of the [2]Bombay Medical Act, 1912, hereinafter called "the said Act", before the words "no person shall" the words "Except with the special sanction of the Governor in Council," shall be inserted.

Repeal of certain portions of Bom. VI of 1912 and of Bom. IX of [illegible].

3. The said Act and Bombay Act IX of 1912 (An Act to amend the Bombay Medical Act, 1912) are hereby repealed to the extent specified in column 2 of the Schedule hereto appended.

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[1]For Statement of Objects and Reasons, see Bombay Government Gazette, 1916, Pt. V, p. [illegible]; and for Proceedings in Council, see ibid., 1916, Pt. V, [illegible].

[2]Supra.

SCHEDULE.

Name of Act.	Extent of repeal.
1	2
The Bombay Medical Act, 1912	I.—In section 2— (a) In clause (d) of sub-section (2), the brackets and words "(or in the case of the first election, are qualified to be registered under this Act)", (b) in sub-section (3), the words "the first election of members under clauses (c) and (d) of the preceding sub-section shall be held at such time (as soon as may be after the commencement of this Act) and at such place and in such manner as the Governor in Council shall appoint by notification in the *Bombay Government Gazette*: and all" and the words "subsequent to such first election", (c) in clause (e) of sub-section (4), the words "or in the case of the first election qualified to be registered under this Act". II.—In section 4, the words "shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint, and". III.—In section 10, sub-sections (1) and (2), the words "After the commencement of this Act". IV.—In section 11, the words "On the expiry of three months from the commencement of this Act".
Bombay Act IX of 1912 (An Act to amend the Bombay Medical Act, 1912).	The whole.

BOMBAY ACT No. V OF 1916[1].

[THE BOMBAY LANDING AND WHARFAGE FEES (AMENDMENT) ACT, 1916.]

[10th June, 1916.]

An Act further to amend the Bombay Landing and Wharfage Fees Act, 1882.

WHEREAS it is expedient to amend the [2] Bombay Landing and Wharfage Fees Act, 1882; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Landing and Wharfage Fees (Amendment) Act, 1916.

Amendment of section 4.

2. In section 4 of the [2] Bombay Landing and Wharfage Fees Act, 1882, hereinafter called "the said Act"— Bom. Act VII of 1882.

(*a*) for the definition of the term "landing place" the following shall be substituted, namely:—

[Vol. II of this Code.]

(*b*) the definition of the term "Commissioner" shall be repealed;

(*c*) the following definition shall be added, namely:—

[Vol. II of this Code.]

Amendment of section 5.

3. (*1*) For clause (*e*) of section 5 of the said Act the following shall be substituted, namely:—

[Vol. II of this Code.]

(2) For the proviso to the said section the following proviso shall be substituted:—

[Vol. II of this Code.]

Amendment of section 7.

4. To section 7 of the said Act the following shall be added, namely:—

[Vol. II of this Code.]

Amendment of section 9.

5. In section 9 of the said Act—

(*a*) for the words from "The Commissioner" to "Presidency of Bombay", the words "Chief Customs-authority" shall be substituted:—

(*b*) after clause (*b*), the following clause shall be inserted, namely:—

[Vol. II of this Code.]

(*c*) clause (*c*) shall be numbered clause (*d*).

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1915, Pt. VII, p. 468; for Report of Select Committee, *see ibid*, 1916, Pt. V, p. 1; and for Proceedings in Council, *see ibid*, 1915, Pt. VII, p. 588; *ibid*, 1916, Pt. V, p. 108.

[2] Vol. II of this Code.

6. For section 10 of the said Act the following section shall be substituted, namely :— New section 10.

[Vol. II of this Code.]

7. To the said Act the following sections shall be added, namely :— New sections 11 and 12.

[Vol. II of this Code.]

BOMBAY ACT No. VI OF 1916[1].

[THE CITY OF BOMBAY MUNICIPAL (FURTHER AMENDMENT) ACT, 1916.]

[*27th September, 1916.*]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. Act III of 1888. WHEREAS it is expedient further to amend the [2] City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the City of Bombay Municipal (Further Amendment) Act, 1916.

Bom. Act III of 1888. Amendment of section 39 of Bom. III of 1888. **2.** In section 39 of the [2] City of Bombay Municipal Act, 1888, hereinafter called "the said Act"—

(*a*) for sub-section (*1*) the following shall be substituted, namely :—

[Vol III of this Code.]

(*b*) in sub-section (*3*), for the word "two" the word "four" shall be substituted, and the words "or on their ceasing to be councillors" shall be added at the end of the sub-section ;

Amendment of section 74 of Bom. III of 1888. **3.** (*1*) In clause (*c*) of sub-section (*2*) of section 74 of the said Act, after the words "fifteen hundred" the following words shall be inserted, namely :—

[Vol. III of this Code.]

(*2*) The amendment contained in sub-section (*1*) shall be deemed to have been made and to have had effect from the first day of February one thousand nine hundred and sixteen.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 242; for Report of Select Committee, *see ibid*, 1916, Pt. V, p. 256; and for Proceedings in Council, *see ibid*, 1915, Pt. VII, p. 295; *ibid*, 1916, Pt. V, p. 377.

[2] Vol. III of this Code.

(3) After clause (e) of sub-section (3) of section 74 of the said Act, the following clause shall be inserted, namely :—

[Vol. III of this Code.]

Amendment of section 84 of Bom. III of 1888.

4 In section 84 of the said Act—

(a) to sub-section (1) the following words shall be added, namely : -

[Vol. III of this Code.]

(b) to clause (b) of sub-section (2) the words "or in the schools' committee" shall be added ;

(c) the following sub-section shall be added, namely :—

[Vol. III of this Code.]

Amendment of section 342 of Bom. III of 1888.

5. In section 342 of the said Act, after clause (c) the following clause shall be inserted, namely : -

[Vol. III of this Code.]

New section 378 of Bom. III of 1888.

6. For section 378 of the said Act, the following section shall be substituted, namely :—

[Vol. III of this Code.]

Amendment of section 394 of Bom. III of 1888.

7. After clause (b) of sub-section (1) of section 394 of the said Act the following clause shall be inserted, namely :—

[Vol. III of this Code]

Amendment of section 412A of Bom. III of 1888.

8. In section 412A of the said Act, after word "milk" in clauses (a) and (b), the words "butter or other milk products" shall be added.

Amendment of sections 471 and 472 of Bom. III of 1888.

9. In column 2 of the tables under section 471 and section 472 of the said Act, against section 412A, for the words "Dealers in and sellers of milk to be licensed" the following words shall be substituted, namely : -

"Milk, butter, etc., not to be sold without a license".

Amendment of schedule M of Bom. III of 1888.

10. In Schedule M of the said Act—

(a) in Part II, below the words

"Matches for lighting..........1 gross boxes"

the words

"Methylated spirit..........10 gallons"

shall be inserted ;

(b) in Part III, below the word "Grass" the words "Gunny bags" shall be inserted.

BOMBAY ACT No. I OF 1917.[1]

[THE BOMBAY TRAMWAYS (AMENDMENT) ACT, 1917.]

[*6th February, 1917.*]

An Act further to amend the Bombay Tramways Act, 1874.

WHEREAS it is expedient further to amend the [2] Bombay Tramways Act, 1874, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Tramways (Amendment) Act, 1917.

Bom. Act I of 1874.

Amendment of section 3A of Bom. I of 1874.

2. In section 3A of the [2] Bombay Tramways Act, 1874, for the word "January" occurring in two places the word "July" shall be substituted.

BOMBAY ACT No. II OF 1917.[3]

[THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1917.]

[*7th February, 1917.*]

An Act further to amend the City of Bombay Police Act, 1902.

WHEREAS it is expedient further to amend the [4] City of Bombay Police Act, 1902, in manner hereinafter appearing: It is hereby enacted as follows:—

Short title.

1. This Act may be cited as the City of Bombay Police (Amendment) Act, 1917.

Bom. Act IV of 1902.

Amendment of section 3 (g) of Bom. IV of 1902.

2. In clause (*g*) of section 3 of the [4] City of Bombay Police Act, 1902, hereinafter called "the said Act", the words "otherwise than for a *bona fide* charitable purpose" shall be repealed.

Amendment of section 7 of said Act.

3. In section 7 of the said Act—

(*a*) for sub-section (*1*) the following shall be substituted :—

[Vol. IV of this Code.]

(*b*) In clause (*a*) of sub-section (2), for the words "appointed by him" the words "other than a Deputy or Assistant Commissioner" shall be substituted.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 454; and for Proceedings in Council, *see ibid*, 1917, Pt. V, p. 52.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 20; for Report of Select Committee, *see ibid*, 1916, Pt. V, p. 446; and for Proceedings in Council, *see ibid*, 1916, Pt. V, pp. 405 and 570.

[4] Vol. IV of this Code.

Clause added to section 33 of said Act.

4. The following clause shall be added to section 33 of the said Act :—

[Vol. IV of this Code.]

Insertion of new section 111A after section 111 of said Act

5. After section 111 of the said Act the following section shall be inserted :—

[Vol. IV of this Code.]

BOMBAY ACT No. III of 1917.[1]

[The Bombay Abkari (Amendment) Act, 1917.]

[7th February, 1917.]

An Act further to amend the Bombay Abkari Act, 1878.

Whereas it is expedient further to amend the [2] Bombay Abkari Act, 1878, in manner hereinafter appearing : It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Bombay Abkari (Amendment) Act, 1917".

Amendment of Section 18 B.

2. In section 18B of the [2] Bombay Abkari Act, 1878, hereinafter called "the said Act"— Bom. Act V of 1878.

(*a*) in sub-section (*2*) after the word "Broach" the word "Kaira" shall be inserted ;

(*b*) to sub-section (*3*) the following further proviso shall be added, namely :—

[Vol. II of this Code.]

New sections 43 A and 43 B.

3. After section 43 of the said Act the following sections shall be inserted, namely :—

[Vol. II of this Code.]

BOMBAY ACT No. IV of 1917.[3]

[The Bombay Port Trust (Amendment) Act, 1917.]

[17th May, 1917.]

An Act further to amend the Bombay Port Trust Act, 1879.

Whereas it is expedient further to amend the [2] Bombay Port Trust Act, 1879, in manner hereinafter appearing ; It is hereby enacted as follows :— Bom. VI of 1879.

Short title.

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1917.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 28 ; for Report of Select Committee, *see ibid*, 1916, Pt. V, p. 477 ; and for Proceedings in Council, *see ibid*, 1916, Pt. V ; pp. 330 and 570, *ibid*. 1917, p. 2.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 450 ; for Report of Select Committee, *see ibid*, 1917, Pt. V, p. 113 ; and for Proceedings in Council, *see ibid*, 1917, Pt. V, pp. 32 and 355.

Bom. Act VI of 1879.

2. For the proviso to section 21 of the [1] Bombay Port Trust Act, 1879, hereinafter called " the said Act ", the following proviso shall be substituted, namely :—

Amendment of section 21 of Bom. VI of 1879.

[Vol. II of this Code.]

3. After clause (*7*) of section 22 of the said Act, the following clause shall be inserted, namely :—

Amendment of section 22 of Bom. VI of 1879.

[Vol. II of this Code.]

4. For clause (*a*) of section 33 of the said Act, the following clause shall be substituted, namely :—

Amendment of section 33 of Bom. VI of 1879.

[Vol. II of this Code.]

5. In section 34 of the said Act—

Amendment of section 34 of Bom. VI of 1879.

(*1*) for the second paragraph, the following paragraph shall be substituted, namely :—

[Vol. II of this Code.]

(*2*) Paragraph 3 shall be repealed.

(*3*) In paragraph 6, the words " and one-half " shall be omitted.

6. After clause (*6*) of section 49 of the said Act, the following clause shall be inserted, namely :—

Amendment of section 49 of Bom. VI of 1879.

[Vol. II of this Code.]

7. After clause (*4*) of section 50 of the said Act, the following clause shall be inserted, namely :—

Amendment of section 50 of Bom. VI of 1879.

[Vol. II of this Code.]

BOMBAY ACT No. V OF 1917.[2]

[THE BOMBAY BOILER INSPECTION ACT, 1917.]

[*19th May, 1917.*]

An Act to amend the law for the inspection and management of boilers in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the inspection and management of steam boilers; It is hereby enacted as follows :—

Preamble.

1. (*1*) This Act may be called the Bombay Boiler Inspection Act, 1917.

Short title, extent, and commencement.

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[1] Vol. II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 466; for Report of Select Committee, *see ibid*, 1917, Pt. V, p. 166; and for Proceedings in Council, *see ibid*, 1917, Pt. V, pp. 52 and 258.

(2) It extends to the whole of the Presidency of Bombay.

(3) This section shall come into operation at once. The rest of the Act shall come into operation at once in the City of Bombay. The Governor in Council may, by notification in the Bombay Government Gazette, direct that the rest of the Act shall come into operation in any district or place, other than the City of Bombay, on such date as may be specified in such notification.

Limitation of application of Act.

2. Nothing in this Act shall be deemed to apply to any boiler in any steam-vessel, or to any locomotive engine or boiler used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause (4), of the [1]Indian Railways Act, 1890, or to any boiler used exclusively for domestic purposes at atmospheric pressure, or to any boiler used upon any vehicle or class of vehicles which the Governor in Council may, by notification in the Bombay Government Gazette, specify in this behalf.

IX of 1890.

Interpretation clause.

3. In this Act, unless there is something repugnant in the subject or context,—

(*a*) "boiler" includes any closed vessel used expressly for generating steam under pressure for use outside such vessel and any mounting or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off;

(*b*) "owner" includes also any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof.

Inspection of Boilers.

Appointment of Inspectors.

4. (*1*) The Governor in Council may from time to time appoint inspectors for the purposes of this Act and may appoint one of such inspectors to be Chief Inspector.

(*2*) The local extent of the duties of the inspectors and the mutual relations of inspectors shall be fixed from time to time by the Governor in Council.

(*3*) Subject to any rules for the time being in force under section 38, the Inspectors shall be under the control of the Collector of the place or district in which the boilers to be inspected by such inspectors are respectively situated.

Appointment of commissions.

5. The Governor in Council shall, as occasion may require, appoint commissions, either generally or specially, for hearing appeals preferred by owners under section 14 and for determining questions submitted to them under section 17. Such commissions shall consist of such person or persons, and

[1]General Acts, Vol. IV.

their appointment shall endure for such term, as the Governor in Council shall direct.

Owner not to use a boiler without a certificate except in certain cases.

6. (*1*) Subject to the provisos to this section, it shall not be lawful for the owner of any boiler—

(*i*) to use the same, or to permit the same to be used, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided, or

(*ii*) to continue to use the same, or to permit the use thereof to be continued, after the period for which any such certificate shall have been granted has expired, or

(*iii*) to work the same, or to permit the same to be worked, at a higher pressure than that allowed by such certificate:

Provided that—

(*a*) in the case of a boiler in respect of which no certificate has been previously granted, the inspector shall, if he is unable to issue a certificate at once, grant to the owner, within 48 hours next after his examination of the boiler, a provisional order in writing specifying the pressure at which such boiler may, in his opinion, pending the issue, or refusal of a certificate, be worked; and it shall be lawful for the owner to work the boiler in accordance with such provisional order until a certificate in respect thereof has been granted or refused or until the expiry of the period specified in such provisional order, whichever period i less;

(*b*) the owner of a boiler who holds in respect thereof a certificate as required by this section, and who, before the expiry of the said period of such certificate, gives notice of his intention to continue to use the boiler after the expiry of the said period, may, unless after examining the boiler the inspector by an order in writing directs that its use be entirely discontinued, continue to use the boiler or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler or permit the use thereof at any pressure higher—

(*i*) than that allowed by the expired certificate, or

(*ii*) than that allowed by any provisional order given in writing by the inspector after examining the boiler.

(*2*) No provisional order granted under this section shall have any force in respect of any boiler for a longer period than six months or after a certificate or a renewed certificate has been either granted or refused in respect of such boiler, or after the receipt by the owner of such boiler from the Collector or the inspector or from any person generally or specially empowered in writing by the Collector in this behalf of a requisition in writing for the surrender of such provisional order.

Owner not to work a boiler without a competent engineer in charge.

7. Subject to the provisos to this section, it shall not be lawful for the owner of any boiler to work the same or permit the same to be worked at any time except whilst he has in his employ as engineer in direct and immediate management and charge thereof a person who is a fit and proper person to manage and be in charge of the same:

Provided that—

(*a*) a person employed to manage and be in charge of two or more sets of boilers belonging to the same owner and so situated that no one of them is more than a thousand feet apart from any other of them, may, notwithstanding their distance from each other, be deemed to be in direct and immediate management and charge of all such boilers;

(*b*) the restrictions contained in this section shall not apply to the owner of a boiler of such capacity and used for such purpose as may be specified by the Governor in Council by notification in the Bombay Government Gazette.

Boilers to be registered.

8. (*1*) The owner of any boiler who desires to use the same shall, if it is unregistered, cause it to be registered.

(*2*) The owner of a boiler may give notice in writing to the inspector that he desires to have the same registered, whereupon the inspector shall register such boiler and shall allot to it a number corresponding to the number of the entry concerning it in the register of boilers. Such number shall be called the registry number of the boiler. It shall be communicated to the owner, and shall, within such reasonable period as the inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible, and in such manner as the Governor in Council may from time to time prescribe.

Owner of boiler to give notice to inspector of intention to use boiler.

9. (*1*) If the owner of a boiler does not hold in respect thereof a certificate which is at the time in force, he shall, after causing the boiler to be registered or giving a notice under sub-section (*2*) of section 8 in relation thereto, and before using or continuing to use the said boiler, give the notice prescribed in sub-section (*2*) or sub-section (*3*).

(2) If such boiler is situate in a place for which an inspector has been expressly appointed by the Governor in Council, such owner shall give notice to such inspector of his intention to use or to continue to use the said boiler and of his desire to obtain a certificate. The inspector to whom such notice is given shall appoint a time between sunrise and sunset and within four days after the receipt of such notice, for the examination of such boiler, and at such time shall carefully examine such boiler and every appurtenance closely attached thereto.

(3) If such boiler is not situate in a place for which an inspector has been expressly appointed by the Governor in Council, the owner shall, before using or continuing the use of the same, give notice to the Chief Inspector and to the Collector of the district in which it is situate of his intention to use or to continue to use the same, and the Chief Inspector shall cause an examination as aforesaid to be made by an inspector with the least possible delay and within twenty days after the receipt of such notice, and shall inform the owner of the date on which the said examination will take place.

(4) Every person giving notice under this section shall simultaneously pay to the Collector the fees prescribed for the examination by a rule made under section 38.

(5) If a boiler is procured in, or imported into, the city of Bombay or Karachi for use in any place, beyond the said cities, in which this Act is at the time in force, the owner of such boiler may, at his option, cause the same to be registered, numbered and examined for a certificate under the foregoing provisions of this section before it is removed from either of the said cities. Such certificate shall operate for a period of six months only from the date thereof:

Provided that, in the case of a portable, vehicular, or other boiler, not requiring re-erection or building in brick-work and not exceeding twenty horse power nominal, procured in or imported into the city of Bombay or Karachi and examined for a certificate under this sub-section, the certificate may, subject to the provisions of sub-section (3) of section 11, operate for a period not exceeding twelve months from the date of issue.

10. (1) The owner or person in charge of any boiler so to be examined shall—

Facilities to be afforded for examination.

(a) afford to the inspector all reasonable facilities for such examination, and all such information as may reasonably be required by him;

(*b*) provide, in the case of a new boiler about to be registered, a dimensioned drawing, specification and certificate of tests of material for the boiler, such certificate or a copy thereof being duly signed by the makers of the boiler and bearing a number corresponding with the makers' number of the boiler;

(*c*) previously arrange that—

(*i*) the boiler shall be empty and cool, and shall be cleaned inside and outside;

(*ii*) the fire-flues shall be swept;

(*iii*) the fire bars and fire-bridges shall be removed;

(*iv*) the blow-off and other cocks and valves shall be taken apart for the purpose of examination;

(*d*) if required by the inspector, cause any lagging, brick-work or masonry in contact with the boiler to be removed;

(*e*) during the examination, keep the boiler effectively disconnected from any steam or hot water communication with any other boiler.

(*2*) The provision as to disconnection contained in clause (*e*) shall extend to every case wherein a person is sent, or with the owner's assent goes, into a boiler for any purpose connected therewith.

Grant and renewal of certificates.

11. (*1*) If the inspector is satisfied that the boiler and the appurtenances closely attached thereto are in good condition, and if the registry number of the boiler is properly marked thereon in accordance with sub-section (*2*) of section 8, the inspector shall give to the owner a certificate to that effect.

(*2*) Every certificate so granted shall be renewed by the inspector from time to time, if he is satisfied, after re-examining the boiler and the appurtenances closely attached thereto under the provisions of section 9, that the same are in good condition and that the registry number of the boiler is properly marked thereon as aforesaid.

(*3*) Every original or renewed certificate granted under this section shall be in the form of and contain the particulars specified in schedule A. Except as is otherwise provided in sub-section (*5*) of section 9, every such certificate shall be granted for such period not exceeding twelve months as the owner of the boiler shall desire, unless it shall appear to the inspector improbable that the boiler and the appurtenances closely attached thereto will remain in good condition for so long a period, in which case the certificate shall be granted for such shorter period as the inspector in his discretion deems fit.

(*4*) The maximum working pressure at which the boiler may be worked, specified in every original certificate granted under this section, shall be determined by the inspector in accordance with the rules under this Act.

12. A duplicate of any certificate granted under section 11 which is at the time in force shall be granted by the Chief Inspector on the application of the owner of the boiler, if the Chief Inspector is satisfied that the duplicate is required for a *bonâ fide* purpose and the fee prescribed by the rule under section 38 is paid.

Duplicate certificate.

13. (*1*) The Chief Inspector may withdraw any certificate granted under section 11 if there is reason to believe that, since the granting of such certificate, the boiler in respect whereof it was granted has sustained injury or has ceased to be in good condition.

Certificate may be withdrawn or refused in certain cases.

(*2*) After such withdrawal the boiler in respect of which the certificate has been withdrawn shall not be worked again until a further examination has been made and a fresh certificate granted for such period and pressure, not exceeding that specified in the certificate before its withdrawal, as the Chief Inspector in his discretion may deem fit.

(*3*) An inspector, with the approval of the Chief Inspector, may refuse to renew or may withdraw a certificate granted under section 11 for a boiler which, by reason of the use of foul or sedimentary feed water, or of insufficient cleaning, has sustained injury by over-heating or fracture and which, in the opinion of the inspector, is likely to receive further injury if continued to be worked.

(*4*) But no refusal to renew and no withdrawal of a certificate under the provisions of sub-section (*3*) shall be made unless the owner of the boiler has—

(*a*) received due warning to the effect that a continuance of the conditions of working complained of is likely to lead to further injury to the boiler, and

(*b*) neglected, within a period of three months from the date of issue of such warning, to take such steps for the removal of the conditions of working complained of as may be deemed reasonable.

(*5*) A certificate withheld or withdrawn under the provisions of sub-section (*3*) shall not be granted or returned to the owner of the boiler until the Chief Inspector is satisfied, from inspection or inquiry, that the precautions taken are reasonably sufficient.

14. If an inspector refuses to give a certificate or a renewed certificate to the owner of any boiler, or refuses to give the same for the full period applied for or for the pressure desired, or withdraws a certificate or reduces the amount

Appeal.

of pressure specified in any certificate or the period for which such certificate has been issued, he shall be bound to give to such owner, within forty-eight hours, his reasons for such refusal, in writing, and any owner deeming himself aggrieved by the decision of the inspector may, within one month from the date of the said refusal, lodge with the Collector of the place or district in which the boiler is situate an appeal to be heard by a commission appointed under section 5.

Determination of the appeal.

15. (*1*) The owner's petition of appeal shall be forthwith forwarded by the Collector to the commission, and the said commission shall, if the boiler be situated—

(*a*) in the city of Bombay, then within four days,

(*b*) in Aden, then within one month, and

(*c*) elsewhere, then within ten days, after the date of the receipt of the appeal,

inquire into and determine such appeal.

(*2*) The commission may either reject the appeal or grant the owner a certificate for such period not exceeding twelve months and for such pressure as it thinks fit.

(*3*) The inquiry shall be held in public, and the decision of the commission shall be final.

When commission may award costs.

16. (*1*) If the commission is of opinion that the appeal is unfounded or frivolous, it may award any sum not exceeding one hundred and fifty rupees to be paid by the owner as costs.

(*2*) Any sum so awarded by the commission shall be recoverable by the Collector from the owner as an arrear of land revenue.

Revocation of certificates by commission.

17. (*1*) Any commission appointed under section 5 may, after such inquiry as shall seem just, revoke any certificate granted under section 11 or section 15, if there is reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient examination.

(*2*) After such revocation, the boiler in respect whereof the certificate has been revoked shall not again be used until a further examination shall have been made and a certificate granted by the inspector with the countersignature of the said commission, or, if the commission consists of more than two persons, of a majority thereof or of their successors in office.

Inspector may enter any place where a boiler is used.

18. (*1*) It shall be lawful for an inspector at any time to enter any place or building, in which he has reason to believe that a boiler is being used, for the purpose of inspecting such boiler, whether the same be under pressure or not, or of satisfying himself that the provisions of section 6 or section 7 are being observed in respect of it.

(*2*) It shall be lawful for the inspector to order the working of a boiler to be stopped only when that shall, in his opinion, be indispensable for the proper examination of the boiler. The reasons for any such stoppage shall be given in writing by the inspector to the owner, on the owner's demand, concurrently with the order for stoppage, and the owner shall thereon become subject to the provisions of section 10.

Owner to report alterations to boiler.

19. If at any time during the period for which a provisional order under section 6 or a certificate under section 11, section 15, or section 17 has been granted, any structural alteration or renewal is made in any part of the boiler to which such provisional order or certificate relates, it shall be the duty of the owner of such boiler to give notice in writing of such alteration to the person specified in sub-section (*5*) of section 20, either before the same is commenced or whilst it is in progress.

Occurrence of accident to boiler to be reported.

20. (*1*) It shall be the duty of every owner or person in charge of a boiler to report in writing to the person specified in sub-section (*5*), within twelve hours of its occurrence, every accident to the boiler or to any apparatus attached thereto, which is calculated to weaken the strength of such boiler or to render it liable to explode.

(*2*) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the person to whom it is made to judge of the gravity of the accident.

(*3*) The owner or person in charge of the boiler shall be bound to answer truly, to the best of his knowledge and ability, every question put to him in writing by the person to whom the report is made as to the cause, nature and extent of the accident.

(*4*) Elsewhere than in the city of Bombay, the Collector of the district, or any person whom the said Collector generally or specially authorizes in this behalf, may, after visiting the scene of any such accident as aforesaid, by an order in writing, direct that the use of the boiler be discontinued until it has been examined and certified by an inspector as fit for use and the owner and person in charge of the boiler shall be bound to obey such order.

(*5*) The persons to whom reports under this section and notices under the last preceding section shall be made or given are, in the city of Bombay, the Chief Inspector, and, elsewhere, the Collector of the district or such person as the said Collector appoints to receive the same.

Owner to produce provisional order or certificates when called upon.

21. *(1)* The owner of any boiler who has obtained a provisional order or certificate therefor shall, at all reasonable times during the period for which such provisional order or certificate is in force, be bound to produce the same when called upon to do so by the inspector, or by the Collector of Bombay or any Presidency Magistrate in the city of Bombay, or by the Collector of the district elsewhere, or by any person generally or specially authorised in writing by such Collector or Magistrate in the said city or by such Collector elsewhere, to demand its production.

(2) A person who becomes owner of a boiler during the period for which a provisional order or certificate therefor is in force shall be entitled to receive the provisional order or certificate from the preceding owner and shall be subject to the provisions of sub-section *(1)*.

Engineers' Certificates.

Examinations of engineers.

22. Examinations shall be held periodically, by a board of examiners, at such places and on such dates as the Governor in Council shall determine, of persons who desire to qualify as engineers for the management of boilers.

Examiners to be appointed by Government.

23. The Governor in Council shall from time to time nominate competent persons to be members of the board of examiners for the said examinations. In no case shall an inspector appointed under this Act be a member of such board.

Certificate of competency.

24. *(1)* Every applicant for examination who is declared by the said board to have passed an examination shall receive a certificate of competency in accordance with the board's decision as to his qualifications, which shall be signed by the members of the board.

(2) Certificates of competency may be of different classes, and a certificate of each class shall qualify the holder thereof to manage or be in charge of a boiler of such capacity or kind as the Governor in Council may from time to time direct in rules under section 38.

Certain other certificates to be available in proof of qualifications.

25. *(1)* If any engineer is in possession of a certificate of competency granted by any competent authority in British India, or in the United Kingdom, or in any British Colony, he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination.

(2) The Governor in Council may from time to time determine what authorities shall be deemed competent for the purpose of this section.

(3) The certificate granted under this section shall be of such class as the board of examiners, or a majority of the members of the said board, on a consideration of the nature of the certificate in the engineer's possession, shall determine.

Temporary certificates for persons employed in erecting boilers.

26. (*1*) The Collector of Bombay may, in the case of a person who is employed for the purpose of erecting and afterwards supervising the working of new engines and boilers at a factory situate within the Presidency of Bombay, on the production of satisfactory testimonials, grant a temporary certificate of service.

(*2*) Such temporary certificate shall be signed by the Collector of Bombay and shall —

(*a*) be valid only in respect of the boilers at the place named in the certificate;

(*b*) remain in force for such period not exceeding two years from the date of issue, as may be determined by the Collector.

Withdrawal or suspension of certificate.

27. (*1*) If by means of any inquiry conducted under the provisions of this Act or of the rules framed thereunder it shall be established to the satisfaction of the Governor in Council that any engineer possessing a certificate of competency granted under section 24 or 25, or a certificate of service granted under section 26, is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Governor in Council may cancel such certificate, or suspend the same for such time as he shall deem fit.

(*2*) The holder of such certificate shall, on demand by the persons charged with the inquiry, forthwith place in the hands of such persons his certificate to abide the result of such inquiry.

(*3*) When any holder of a certificate shall have been called on to deposit the same under sub-section (*2*), or when any inquiry into his conduct shall have been directed by the Governor in Council, if such holder shall fail to deposit his certificate, or shall withdraw beyond the limits of the Presidency of Bombay, the Governor in Council may notify such failure or withdrawal by notification giving a statement of the circumstances so far as known. Upon the issue of such notification it shall be competent to the Governor in Council to cancel the certificate of such engineer:

Provided that the Governor in Council may, at any time, upon such engineer satisfactorily explaining such failure or withdrawal, revoke any such order of cancellation and regrant to such engineer without examination the certificate so cancelled, and a certificate so regranted shall have the same effect as if it had been granted after examination.

Record of certificate to be kept.

28. A duplicate of every certificate of competency or service granted under this Act shall be kept and recorded in such manner as the Governor in Council shall direct; and all orders made under section 27 for cancelling or suspending any certificate shall be from time to time entered on the record containing such duplicates.

Duplicate of certificate to be given.

29. Whenever any engineer proves to the satisfaction of the Governor in Council that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled shall be furnished to him, which shall have for all purposes the same validity as the original certificate

Who is to be deemed a fit and proper person to manage a boiler.

30. Subject to the proviso to section 40, no person who does not possess a certificate of competency or service granted under section 24, 25, 26, or 29 shall be deemed a fit and proper person to manage or be in charge of a boiler: and no holder of any such certificate shall be deemed a fit and proper person to manage or be in charge of any boiler except to the extent of his qualification indicated by his said certificate.

Penalties.

For failing to give notice of alteration, or refusing to produce order or certificate, or failing to report accident.

31. Any owner of a boiler who—

(*a*) fails to give notice, as required by section 19 of any structural alteration or renewal thereof,

(*b*) refuses or neglects to produce the provisional order or certificate which he has obtained therefor, when duly called upon so to do under section 21,

and every owner or person in charge of a boiler who—

(*c*) fails to report, as required by section 20, any accident of the kind mentioned in that section, shall, for every such omission, refusal or neglect, be punished with fine which may extend to one hundred rupees.

For using boiler without order or certificate or without competent engineer in charge, or at too high pressure.

32. (*1*) The owner of any boiler who shall —

(*a*) use the same or permit it to be used without a provisional order or certificate duly obtained and in force in respect thereof,

(*b*) work the same or permit the same to be worked at any time, except whilst he has in his employ as engineer in direct and immediate management and charge thereof a person who is a fit and proper person to manage and be in charge of the same, and any such owner or any person who shall,

(*c*) work the same, or permit it to be worked, without a provisional order or certificate duly obtained and in force in respect thereof or in contravention of an order for discontinuing its use made under sub-section (*4*) of section 20, or at a higher pressure than that allowed by any provisional order or certificate duly obtained and in force in respect thereof,

shall be punished with fine which may extend to one hundred rupees for every day or part of a day that he shall so use or work the said boiler, or permit the same to be so used or worked.

(2) And if the said owner or person shall continue so to use or work the boiler, or to permit the same to be so used or worked after such fine shall have been imposed, he shall be held to have committed a separate offence, and shall be punished with a further fine which may extend to one hundred rupees for each day or part of a day after the first conviction during which the offence is continued and in like manner after each subsequent conviction.

For tampering with the safety valve of a boiler.

33. Whoever tampers with the safety valve of a boiler so as to render it inoperative or causes it to be loaded over the pressure declared in the provisional order or certificate in force for the boiler shall be punished with fine which may extend to one hundred rupees.

For tampering with registry number of a boiler.

34. (*1*) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the registry number marked on a boiler shall, for every such act, be punished with fine which may extend to five hundred rupees.

For fraudulently marking a registry number on a boiler.

(*2*) Whoever fraudulently marks upon a boiler a registry number which has not been duly allotted to it under this Act shall be punished with imprisonment which may extend to two years or with fine or with both.

For refusing or omitting to deposit certificate in accordance with section 27 (*2*).

35. A person who, being bound to deposit his certificate under the provisions of sub-section (2) of section 27, shall refuse or omit to do so, shall be punished with fine which may extend to five hundred rupees.

Cognizance of offences.

36. All offences against this Act shall be cognizable in the city of Bombay by a Presidency Magistrate, and elsewhere by a Magistrate of the First Class.

Charges within what period to be brought.

37. No charge shall be brought against any person of any offence punishable under this Act except within six months after the commission of the offence, nor shall any such charge be brought except with the sanction or under the direction of the Collector of the place or district in which such offence is alleged to have been committed.

Miscellaneous.

Rules.

38. (*1*) The Governor in Council may, by notification in the Bombay Government Gazette, make rules not inconsistent with this Act for—

(*a*) setting the duties and emoluments of commissions, inspectors and examiners appointed under this Act, and regulating the control to be exercised by Collectors over inspectors;

(*b*) fixing the fees to be levied for inspection of boilers under sections 9 and 20 and issue of duplicate certificates under section 12 at such rates not exceeding those prescribed in schedule B as the Governor in Council thinks fit;

(c) prescribing the manner of admeasurement and quantities to be used in determining, for rating purposes under this Act, the nominal horse power of engines and boilers;

(d) regulating the submission of appeals under section 14, the reference and cognizance of matters under section 17, the procedure to be followed in the hearing of the appeals and inquiry into the matters aforesaid, and the conduct of the examinations to be held under section 22, and providing for interpretation in the case of candidates unacquainted with English;

(e) prescribing the qualifications to be required of candidates at the said examinations, the fees to be paid by them, the forms of the certificates to be granted to them, and the capacity or kind of boiler of which each such certificate shall qualify the holder thereof to be in charge, and the extent to which each such certificate shall qualify the holder to be in charge of such boiler, and prescribing also the fees to be paid for the duplicate certificates furnished under section 29;

(f) providing for inquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of competency or service;

(g) generally for giving effect to the provisions of this Act.

(2) Any rule made under this section shall be subject to previous publication, and shall not be finally considered until the expiry of a period of three months from the date of such publication.

Recovery and disposal of fees, etc.

39. (1) Any fee lawfully due under this Act which has not been paid on demand duly made shall be recoverable by the Collector as an arrear of land revenue.

(2) All fees, costs and penalties levied under this Act shall be disposed of in such manner as the Governor in Council shall from time to time direct.

Director of Industries to perform the duties of the Collector of Bombay.

[1] [**39A.** The Governor in Council may, by notification in the Bombay Government Gazette, direct that all or any of the powers and duties conferred or imposed by or under this Act upon the Collector of Bombay or so conferred or imposed on the said officer in respect of the city of Bombay as Collector thereof shall be exercised or performed by the Director of Industries, Bombay.]

Repeal.

40. The Bombay Boiler Inspection Act, 1891, and Bombay Acts Nos. II of 1897 and II of 1903 are hereby repealed:

Bom. Act II of 1891.

Saving.

Provided that nothing in this Act shall affect the validity, according to its tenor, of any certificate granted under the Bombay Boiler Inspection Act, 1873, or under the Bombay Boiler Inspection Act, 1887, or under the

[1] Section 39A was inserted by s. 2 of the Bombay Boiler Inspection (Amendment) Act, 1920 (Bom. Act 10 of 1920), *infra*.

Bombay Boiler Inspection Act, 1891. Every such certificate shall, for all the purposes of this Act, be deemed to have been granted, and to be in force, under the provisions of this Act.

SCHEDULE A.

(See SECTION 11.)

Form of Inspector's Certificate.

Name of Owner.	Registry number and description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this certificate is to be in force.	Maximum pressure at which the boiler may be worked.	REMARKS.

I, the undersigned, certify that I have examined the abovenamed boiler, and to the best of my judgment the boiler, as shown in the above statement and all its necessary appurtenances are in good condition and the registry number is properly marked thereon.

A. B., INSPECTOR.

SCHEDULE B.

(See SECTION 38.)

Maximum rates of fees leviable for inspections of boilers under sections 9 and 20, subject to the conditions specified hereunder.

	Rs.
(1) For each boiler not exceeding 20 horse power nominal . . .	20
(2) For each boiler exceeding 20, but not exceeding 30 horse power nominal	30
(3) For each boiler exceeding 30, but not exceeding 50 horse power nominal	40
(4) For each boiler exceeding 50 horse power nominal . . .	50

A fee paid for the inspection of a boiler shall cover thorough inspection hydraulic test and steam test, where such are necessary.

An additional fee of Rs. 10 will be leviable for each visit of the inspector in every case in which the owner or person in charge fails to prepare at the time appointed the boiler or its appurtenances for the purpose specified in the inspector's written notice, when such notice has been duly served, except where such failure was in the circumstances unavoidable.

A second fee will be leviable for re-inspection in any case where the inspection of a boiler is begun, but, owing to the fault or neglect of the owner or person in charge, is not completed within a period of six months from the date of commencement of inspection.

In both the above cases no extra fee shall be levied except with the sanction of the Chief Inspector.

A double fee will be leviable for the inspection of a boiler that is not situate in a place for which an inspector has been expressly appointed by the Governor in Council, if the owner or person in charge, after due notification, fails to avail himself of the services of the inspector during the usual periods for visiting the district.

Fee for duplicate certificate under section 12 . . . . . . Rs. 3

BOMBAY ACT No. VI OF 1917.[1]

[THE BOMBAY MUNICIPAL AND LOCAL BOARDS (AMENDMENT) ACT, 1917.]

[*19th September, 1917.*]

An Act further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884.

WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act, 1901, and the [3]Bombay Local Boards Act, 1884; And whereas the previous sanction of the Governor General required by sub-section *(2)* of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:— (Bom. Act III of 1901. Bom. Act I of 1884. 5 & 6 Geo. 5, c. 61.)

Short title.

1. This Act may be called the Bombay Municipal and Local Boards (Amendment Act, 1917.

New section 22A. of Bom. III of 1901.

2. After section 22 of the [2]Bombay District Municipal Act, 1901, the following section shall be inserted, namely :— (Bom. Act III of 1901.)

[Vol. IV of this Code.]

New section 25 of Bom. I of 1884.

3. For section 25 of the [3]Bombay Local Boards Act, 1884, the following section shall be substituted, namely :— (Bom. Act I of 1884.)

[Vol. II of this Code.]

New section 25A of Bom. I of 1884.

4. After section 25 of the [3]Bombay Local Boards Act, 1884, the following section shall be inserted, namely : — (Bom. Act I of 1884.)

[Vol. II of this Code.]

Consequential amendments.

5. *(1)* In section 12 of the [2]Bombay District Municipal Act, 1901, after the words "and sub-section (2) of section 22A" the following words shall be inserted, namely : — (Bom. Act III of 1901.)

[Vol. IV of this Code.]

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[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1916, Pt. V, p. 452; for Report of Select Committee, see *ibid*, 1917, Pt. V, p. 317; and for Proceedings in Council, see *ibid*, 1917, Pt. V, pp. 37 and 712.

[2] Vol. IV of this Code.

[3] Vol. II of this Code.

Bom. Act III of 1901.

(2) In sub-section (*2*) of section 22 of the [1] Bombay District Municipal Act, 1901, for the words "The District Judge or such other judge as may be appointed by the Governor in Council in this behalf", the following words shall be substituted, namely :—

[Vol. IV of this Code.]

Bom. Act I of 1884.

(*3*) In the [2] Bombay Local Boards Act, 1884—

(*a*) in section 10, after the words "next following section", the following words shall be inserted, namely :—

[Vol. II of this Code.]

(*b*) in section 18, after the words "next following section", the following words shall be inserted, namely :—

[Vol. II of this Code.]

BOMBAY ACT No. I OF 1918.[3]

[THE BOMBAY PRIMARY EDUCATION (DISTRICT MUNICIPALITIES) ACT, 1918.]

[*5th February, 1918.*]

An Act to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay.

WHEREAS it is expedient to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay ; It is hereby enacted as follows :—

Short title, extent and construction.

1. (*1*) This Act may be called the Bombay Primary Education (District Municipalities) Act, 1918.

(*2*) It extends to the whole of the Bombay Presidency except the City of Bombay.

Bom. Act III of 1901.

(*3*) It shall be construed as part of and supplementary to the [1] Bombay District Municipal Act, 1901, hereinafter called "the principal Act".

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times

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[1] Vol. IV of this Code.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1917, Pt. V, p. 483 ; for Report of Select Committee, *see ibid*, 1917, Pt. V, p. 970 ; and for Proceedings in Council, *see ibid*, 1917, Pt. V, p. 728 ; *ibid*, 1918, pp. 2 and 44.

on each day as may be required by the school committee with the approval of the prescribed educational authority ;

(2) "child" means a child whose age is not less than six and not more than eleven years ;

(3) "parent" includes a guardian and any person who has the actual custody of a child ;

(4) "prescribed" means prescribed by rules made by the local government under this Act. ;

(5) "primary education" means such education as is for the time being recognized as such by the local government ;

(6) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority ;

(7) "school committee" means a committee appointed under section 28 of the principal Act.

Issue of notification making primary education compulsory.

3. (*1*) The municipality in any municipal district constituted under the principal Act may with the previous sanction of the local government declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in such district from a date to be mentioned in the notification ; provided that, where a notification has been issued under this section with reference to children of one sex only, the municipality may with the like sanction issue a subsequent notification with reference to children of the other sex.

(*2*) A notification under this section shall be published in the Bombay Government Gazette and shall be posted at the municipal office and at such other places, if any, as the municipality shall deem necessary.

Municipality to make provision for primary education.

4. A notification shall not be issued under section 3 unless the municipality satisfies the local government that it is in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the municipality has so determined by resolution passed at a general meeting specially called in this behalf and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

School committee to be appointed.

6. Where a notification has been issued in any municipal district under section 3, the municipality shall, if a school committee has not already been appointed, appoint such committee, and it shall be the duty of such committee

subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

7. Where a notification under section 3 is in force in any municipal district, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such municipal district, cause such child to attend a recognized primary school in such district.

Duty of parents to cause children to attend school.

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases:—

Meaning of "reasonable excuse."

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(*b*) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the school committee is efficient, or has already completed his primary education;

(*c*) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

9. Where the school committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the school committee, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Issue of attendance order.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

Penalty for failure to cause child to attend school.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the school committee.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

Penalty for employing child liable for compulsory education.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the school committee, and before making any complaint under this section against any person, the school committee shall, unless

such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

School committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the school committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the municipality may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any municipal district, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The local government may by notification in the Bombay Government Gazette exempt any particular class or community from the operation of this Act.

Withdrawal of notification on default.

16. Where the local government is of opinion that any municipality has made default in any of the requirements of this Act, the local government, after giving the municipality an opportunity of furnishing an explanation, may by notification in the Bombay Government Gazette cancel any notification which has been issued under section 3.

Fines to be credited to municipality.

17. All fines levied by any magistrate in respect of any offence against the provisions of this Act in any municipal district shall be credited to the municipal fund.

Rules.

18. (*1*) The local government may by notification in the Bombay Government Gazette make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the municipality to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the local government determines to share the cost of providing free and compulsory primary education,—specifying the extent to which the cost thereof shall be borne by the local government.

BOMBAY ACT No. III OF 1918.[1]

[THE GAEKWAR OF BARODA CEDED LANDS LAWS ACT, 1918.]

[*25th May, 1918.*]

An Act to declare the law in force in certain territory ceded for the purposes of the B.B. & C. I. Railway.

WHEREAS His Highness the Gaekwar of Baroda has from time to time ceded to the Government of India certain territory for the purposes of the Bombay, Baroda and Central India Railway; And whereas by [2]Bombay Act No. I of 1862 (*an Act for bringing under the Regulations and Acts certain lands ceded by His Highness the Gaekwar for railway purposes*) the territory mentioned in the schedule annexed to that Act was included in the zila of Surat and made subject to the Regulations and Acts in force in the presidency of Bombay; And whereas certain territory has similarly been ceded since the passing of the said Act; And whereas the Governor General in Council has, by notification under section 60 of the Government of India Act, 1915, declared the territory mentioned in the schedule annexed to this Act to be part of the presidency of Bombay; And whereas it is expedient to include the said territory in the district of Surat and to declare the law in force therein; And whereas the previous sanction of the Governor General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:—

Bom. Act I of 1862.

5 & 6 Geo. 5, c. 61.

5 & 6 Geo. 5, c. 61.

1. The territory mentioned in the schedule shall, for the purposes of civil and criminal justice and for all purposes of the administration, form part of the district of Surat.

Territory mentioned in schedule to be part of Surat district.

2. All enactments made by any authority in British India and all notifications, rules and orders issued or made under such enactments, which immediately before the commencement of this Act were in force in the district of Surat, shall be deemed to be in force in the said territory.

The said territory to be subject to enactments in force in Surat district.

THE SCHEDULE.

Description and boundaries of the land:—

The piece or parcel of land measures in superficial area 23·1540 acres, be the same more or less, situated in the village of Bilimora in the Gandevi taluka of the Navsari prant of his highness the Gaekwar's territory and extends in a northerly direction from mile 135 and 3,128 feet on the main line of the Bombay, Baroda and Central India Railway to mile 136 and 4,440 feet, the said land and its varying width being more particularly delineated on the ferroplan No. 37704 of the chief engineer of the railway, which plan is

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1918, Pt. V, p. 258; and for Proceedings in Council, *see ibid*, 1918, Pt. V, p. 556. The short title was given by Bom. Act 2 of 1921, *infra*.

[2] Vol. II of this Code.

deposited in the office of the secretary to the government of Bombay in the political department, and the said land is bounded as follows:—

On the north by that part of the railway bridge over the Ambica river which lies within the boundary of the village of Ambica Bhatha;

On the south by the railway land in the village of Dessara in the Gandevi taluka of the Navsari prant of his highness the Gaekwar's territory;

On the east by the bed of the Ambica river from the point where the railway bridge over the Ambica river meets the boundary of the village of Ambica Bhatha to the southern abutment of the said bridge, thence by waste land on which are a few scattered huts to about chainage 136 mile and 3,500 feet, thence by a cluster of huts and houses known as the Talod Falia of the Bilimora village to chainage 3,000 feet, thence by waste land to chainage 2,200 feet, thence by cultivated land to chainage 1,400 feet, thence by babul jungle to mile 136, thence by land occupied by the Bilimora-Kalamba Railway;

On the west by the Dessara-Bilimora metalled road from chainage mile 135 and 3,128 feet to its junction with the approach road to the Bilimora station from the Bilimora village, thence by a triangular plot of private land, on which is an oil mill, to level crossing No. 108 (chainage mile 135 and 4,041 feet), thence by a metalled road to level crossing No. 109, thence by a fair-weather cart track to a 20 feet arched culvert of one span, No. 366 (chainage mile 136 and 2,549 feet), thence by waste land to the southern abutment of the railway bridge over the Ambica river (chainage mile 136 and 4,009 feet), thence by the bed of the Ambica river to the point where the said bridge meets the boundary of the village of Ambica Bhatha.

BOMBAY ACT No. IV OF 1918[1].

[THE BOMBAY MEDICAL (AMENDMENT) ACT, 1918.]

[*10th September, 1918.*]

An Act further to amend the Bombay Medical Act, 1912.

WHEREAS it is expedient further to amend the [2]Bombay Medical Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act VI of 1912.

Short title. 1. This Act may be called the Bombay Medical (Amendment) Act, 1918.

Amendment of section 2 of Bom. VI of 1912. 2. For section 2 of the [2]Bombay Medical Act, 1912, the following shall be substituted, namely:— Bom. Act VI of 1912.

[*Supra.*]

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1918, Pt. V, p. 42; for Report of Select Committee, *see ibid*, 1918, Pt. V, p. 607; and for Proceedings in Council, *see ibid*, 1918, Pt. V, pp. 565 and 855.

[2] *Supra.*

BOMBAY ACT No. VI OF 1918.[1]

[THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918.]

[*17th September, 1918.*]

An Act to disqualify certain aliens from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay.

WHEREAS it is expedient that certain aliens should be disqualified from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Disqualification of Aliens Act, 1918.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

[2][(*a*) "alien" means—

(*i*) a person who is neither a British subject nor a subject of a state in India, or

(*ii*) a person who, whether he is himself within the foregoing definition or not, represents an alien firm as defined in clause (*aa*) for the purpose of voting at an election of a member of any of the local authorities specified in the schedule or for the purpose of membership of any of the said authorities;

(*aa*) "alien firm" means any firm, company, association or body of individuals (whether incorporated or not), a majority of the members of which are aliens as defined in sub-clause (*i*) of clause (*a*), or the business of which is carried on under the control or mainly for the benefit of aliens as so defined;]

(*b*) "state in India" means a state in India which is under the protection or political control of His Majesty;

(*c*) "member" includes a municipal councillor and a member of a body of trustees.

Disqualification of aliens.

3. Save as hereinafter otherwise provided, no alien shall be qualified to be a member of any of the local authorities specified in the schedule or to vote at any election of a member of any of the said authorities.

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[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1918, Pt. V, p. 266; and for Proceedings in Council, see *ibid*, 1918, Pt. V, pp. 857 to 889.

[2] These clauses were substituted for original clause (*a*) by s. 2 of the Bombay Disqualification of Aliens (Amendment) Act, 1920 (Bom. Act 4 of 1920), *infra*.

Effect of subsequent disqualification.

4. (1) If any person having become a member of any of the local authorities specified in the schedule, subsequently becomes an alien, his seat shall thereupon become vacant.

(2) Section 18 of the [1] City of Bombay Municipal Act, 1888, shall be read and construed as if, after the word "aforesaid", the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted.

Bom. Act III of 1888.

(3) Section 15, sub-section (5) of the [2] Bombay District Municipal Act, 1901, shall be read and construed as if, after the word "section" the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted.

Bom. Act III of 1901.

Exemption.

5. The Governor in Council [3] * * * may, by notification in the Bombay Government Gazette, exempt any person or class of persons from the operation of this Act.

Modification of Schedule.

6. The Governor in Council may, by notification in the Bombay Government Gazette, direct that the name of any of the local authorities specified in the schedule shall be omitted therefrom, or that the name of any other local authority shall be entered therein, and such direction shall have effect accordingly.

THE SCHEDULE.

Local authority.	Enactment under which the local authority is constituted.
The trustees of the port of Bombay . .	The Bombay Port Trust Act, 1879 (Bom. VI of 1879).
All local boards	The Bombay Local Boards Act, 1884 (Bom. I of 1884).
The trustees of the port of Karachi . .	The Karachi Port Trust Act, 1886 (Bom. VI of 1886).
The municipal Corporation of the city of Bombay.	The City of Bombay Municipal Act, 1888 (Bom. III of 1888).
The trustees of the port of Aden . . .	The Aden Port Trust Act, 1888 (Bom. V of 1888).
The trustees for the improvement of the city of Bombay.	The City of Bombay Improvement Act, 1898 (Bom. IV of 1898).
All municipalities in municipal districts outside the city of Bombay.	The Bombay District Municipal Act 1901, (Bom. III of 1901).

[1] Vol. III of this Code.
[2] Vol. IV of this Code.
[3] The words "with the approval of the Governor General in Council" were repealed by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

BOMBAY ACT No. VIII OF 1918.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1918.]

[*11th November, 1918.*]

An Act further to amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:— (Bom. Act III of 1888.)

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1918.

Amendment of section 3.

2. In clause (*r*) of section 3 of the [2]City of Bombay Municipal Act, 1888, hereinafter called "the said Act", for the word "built" the words "being built upon or is built" shall be substituted. (Bom. Act III of 1888.)

Amendment of section 153.

3. To section 153 of the said Act the following sub-section shall be added:—

[Vol. III of this Code.]

Amendment of section 203.

4. Section 203 of the said Act shall be numbered sub-section (*1*) of section 203 and the following sub-section shall be added to section 203:—

[Vol. III of this Code.]

New section 229A.

5. After section 229 of the said Act the following section shall be inserted:—

[Vol. III of this Code.]

New section 230A.

6. After section 230 of the said Act the following section shall be inserted:—

[Vol. III of this Code.]

Amendment of section 233A.

7. In section 233A of the said Act the following amendments shall be made:—

(*a*) after the word "constructed" the word "laid" shall be inserted;

(*b*) after the word "premises", where it occurs for the first time, the words "or group of premises" shall be inserted;

(*c*) in clause (*a*), after the word "premises" the words "or group of premises" shall be inserted;

(*d*) for clause (*b*) the following shall be substituted:—

[Vol. III of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1918, Pt. V, p. 601, for Report of Select Committee, *see ibid*, 1918, Pt. V, p. 952(*a*); and for Proceedings in Council, *see ibid*, 1918, Pt. V, pp. 869 and 1126.

[2] Vol. III of this Code.

Amendment of section 257.

8. To sub-clause (*i*) of clause (*a*) of sub-section (*1*) of section 257 of the said Act, the following words shall be added:—

[Vol. III of this Code.]

Amendment of section 258.

9. In clause (*e*) of section 258 of the said Act—

(*a*) after the words "make any" the words "projection over or" shall be inserted: and

(*b*) the following proviso shall be added to the clause:—

[Vol. III of this Code.]

Amendment of section 272.

10. For sub-section (*2*) of section 272 of the said Act, the following sub-section shall be substituted.

[Vol. III of this Code.]

Amendment of section 274.

11. In section 274 of the said Act, the following amendments shall be made:—

(*a*) in sub-section (*1*) after the word "position" the words "and with such means of access" shall be inserted;

(*b*) the following sub-section shall be added to the section.

[Vol. III of this Code.]

Amendment of section 275.

12. Section 275 of the said Act, shall be numbered sub-section (*1*) of section 275 and the following sub-section shall be added to the said section.

[Vol. III of this Code.]

Amendment of section 279.

13. In sub-section (*1*) of section 279 of the said Act the following amendments shall be made:—

(*a*) to clause (*b*) the words "or the means of access thereto" shall be added;

(*b*) to clause (*c*) the following words shall be added:—

[Vol. III of this Code.]

(*c*) to clause (*e*) the words "or any fitting thereof" shall be added;

(*d*) after clause (*e*) the following clause shall be inserted:—

[Vol. III of this Code.]

(*e*) in proviso (*i*) for the words "and (*d*)" the words "(*d*) and (*f*)" shall be substituted.

Insertion of new section 280A.

14. After section 280 of the said Act the following section shall be inserted:—

[Vol. III of this Code.]

15. In clause (*d*) of section 284 of the said Act after the word "act" the words "or suffer any act to be done" shall be inserted.

Amendment of section 284.

16. Sub-section (2) of section 287 of the said Act shall be repealed.

Part repeal of section 287.

17. After section 287A the following section shall be inserted :—

New section 287B.

[Vol. III of this Code.]

18. In the table appended to section 471 of the said Act—

Amendment of section 471.

(*a*) below the entry relating to section 229 the following entries shall be inserted :—

[Vol. III of this Code.]

(*b*) the entry relating to section 287, sub-section (2), shall be repealed;

(*c*) below the entry relating to section 284 the following entries shall be inserted :—

[Vol. III of this Code.]

19. In the table appended to section 472 of the said Act—

Amendment of section 472.

(*a*) below the entry relating to section 229 the following entries shall be inserted :—

[Vol. III of this Code.]

(*b*) below the entry relating to section 230 the following entry shall be inserted :—

[Vol. III of this Code.]

(*c*) below the entry relating to section 257 the following entry shall be inserted :—

[Vol. III of this Code.]

(*d*) below the entry relating to section 354 the following entry shall be inserted :—

[Vol. III of this Code.]

20. In clause (*b*) of section 514 of the said Act after the word "sections" the figures "223, 229A, 240, 258" shall be inserted.

Amendment of section 514.

21. In Schedule G to the said Act the following shall be inserted as the second item in the list of taxable vehicles and animals :—

Amendment of Schedule G.

[Vol. III of this Code.]

Amendment of Schedule M.

22. In Schedule M to the said Act the following amendments shall be made :—

(*a*) in Part II—

(*1*) at the commencement of the list of articles the following entries shall be inserted :—

[Vol. III of this Code.]

(*2*) after the entry relating to " chemicals " the following entry shall be inserted :—

[Vol. III of this Code.]

(*3*) for the entry relating to " cotton refuse " the following entry shall be substituted :—

[Vol. III of this Code.]

(*4*) after the entry relating to " cotton seed " the following entry shall be inserted :—

[Vol. III of this Code.]

(*5*) after the entry relating to " methylated spirit " the following entry shall be inserted :—

[Vol. III of this Code.]

(*b*) in Part III,—

the word " bamboos " shall be inserted after the word " ashes ".

(*c*) in Part IV,—

(*1*) after the word " cleansing " the word " melting " shall be inserted ;

(*2*) in the list of articles,

the expression " blasting powder " shall be inserted after the expression " aerated waters ",

the word " dynamite " shall be inserted after the word " dammer ",

the word " fireworks " shall be inserted after the word " fat ",

the word " gunpowder " shall be inserted after the word "ghee",

the expression " matches for lighting " shall be inserted after the word " lime ", and the expression " vegetable oil " shall be inserted after the word "tar ",

BOMBAY ACT No. IX OF 1918.[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1918.]

[*11th November, 1918.*]

An Act further to amend the Bombay District Police Act, 1890.

WHEREAS it is expedient further to amend the [2]Bombay District Police Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act IV of 1890.

Short title. **1.** This Act may be called the Bombay District Police (Amendment) Act, 1918.

Insertion of new section 61 A. Bom. Act IV of 1890. **2.** After section 61 of the [2]Bombay District Police Act, 1890, the following section shall be inserted, namely:—

[Vol. III of this Code.]

BOMBAY ACT No. II OF 1919.[3]

[THE BOMBAY REPEALING AND AMENDING ACT, 1919.]

[*14th May, 1919.*]

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient to amend the enactments specified in the first schedule and to repeal the enactments specified in the second schedule to this Act; And whereas the previous sanction of the Governor General required by sub-section (*2*) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act, so far as regards the amendment of the [4]Broach and Kaira Incumbered Estates Act, 1881, and the [4]Sindh Incumbered Estates Act, 1896, in the manner mentioned in the first schedule; It is hereby enacted as follows:— 5 & 6 Geo. 5, c. 61. XXI of 1881. XX of 1896.

Short title. **1.** This Act may be called the Bombay Repealing and Amending Act, 1919.

Amendment of certain enactments. **2.** The enactments specified in the first schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1918, Part V., page 437; for Report of Select Committee, *see ibid*, 1918, Part V, page 1018, and for Proceedings in Council, *see ibid*, 1918, Part V, pages 859 and 1108.

[2]Vol. III of this Code.

[3]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1918, Part V, page 1205; for Report of Select Committee, *see ibid*, 1919, Part V, page 129 (*a*), and for Proceedings in Council, *see ibid*, 1919, Part V, pages 118 and 802.

[4]Vol. I of this Code.

Repeal of certain enactments.

3. The enactments specified in the second schedule are hereby repealed to the extent mentioned in the fourth column thereof.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
		Part I.—Acts of the Governor General in Council.	
1881	XXI	The Broach and Kaira Incumbered Estates Act, 1881.	To section 23, the following words shall be added :— [Vol. I of this Code.]
1896	XX	The Sindh Incumbered Estates Act, 1896.	To section 20, the following words shall be added :— [Vol. I of this Code.]
		Part II.—Acts of the Governor of Bombay in Council.	
1876	II	The Bombay City Land Revenue Act, 1876.	To section 26, the following words shall be added :— [Vol. II of this Code.]
1878	V	The Bombay Abkari Act, 1878	For sub-section *(14)* of section 3, the following shall be substituted :— [Vol. II of this Code.]
1879	V	The Bombay Land Revenue Code, 1879.	1. In section 61— *(a)* after the word "forfeiture," where it occurs for the second time in the last paragraph but one, the following words shall be inserted :— "or to summary removal"; *(b)* the following words shall be added to the last paragraph of the section :— [Vol. II of this Code.]

1	2	3	4
Year.	No.	Short title.	Amendments.
		Part II.—Acts of the Governor of Bombay in Council—contd.	
1879	V	The Bombay Land Revenue Code, 1879—*contd.*	2. In sub-section (*1*) of section 135D, for the words "sub-section (*1*)" the words "the first paragraph" shall be substituted.
1882	VII	The Bombay Landing and Wharfage Fees Act, 1882.	In section 9, before the words "Chief Customs Authority," the word "The" shall be inserted.
1890	IV	The Bombay District Police Act, 1890.	1. In section 10, after the word "inspector" the words "a sub-inspector or a sergeant" shall be inserted.
			2. For sub-section (*1*) of section 11, the following shall be substituted :— [Vol. III of this Code]
			3. In section 61, (*a*) in clause (*a*), for the words "three-quarters of an hour after sunset and one hour before sunrise" the words "half an hour after sunset and half an hour before sunrise" shall be substituted. (*b*) in clause (*x*), after the words "for alms" the words "or directs or permits children under his control to beg for alms" shall be inserted.
			4. In the heading to schedule B, for the words "BELOW THE GRADE OF INSPECTOR" the words "OF THE GRADE OF HEAD CONSTABLE OR CONSTABLE" shall be substituted.
1898	IV	The City of Bombay Improvement Act, 1898.	1. In section 4, for the words "the General or other Military Officer Commanding, Bombay District" the words "the General Officer Commanding, Bombay Brigade, or, when the said officer is absent from Bombay, the Assistant Commanding Royal Engineer" shall be substituted.

1	2	3	4
Year.	No.	Short title.	Amendments.
		Part II.—Acts of the Governor of Bombay in Council—contd.	
1898	IV	The City of Bombay Improvement Act, 1898—*contd.*	2. In clause (h) of sub-section (3) of section 32G, for the words "section 32C" the words "section 32E" shall be substituted.
1899	III	The Government Occupants Sind Act, 1899.	In section 8, for the words "Commissioner in Sind" the word "Collector" shall be substituted.
1901	III	The Bombay District Municipal Act, 1901.	1. In clauses (a) and (c) of sub-section (1) of section 4, for the word "three" the word "four" shall be substituted. 2. In sub-section (1) of section 14, after the words "The Governor in Council" the words "or the Commissioner as the case may be" shall be inserted. 3. In sub-section (6) of section 154, for the words "section 160" the words "section 160A" shall be substituted.
1915	I	The Bombay Town Planning Act, 1915.	To clause (f) of section 3, the following proviso shall be added:— [*Supra.*]

THE SECOND SCHEDULE.

REPEALS.

(*See section 3.*)

1	2	3	4
Year.	No.	Short title.	Repeals.
		Acts of the Governor of Bombay in Council.	
1879	V	The Bombay Land Revenue Code, 1879.	In sub-section (3) of section 37, the words "by the Collector".
1890	IV	The Bombay District Police Act, 1890.	In the seal in schedule B, the words "the Inspector-General".
1915	I	The Bombay Town Planning Act, 1915.	In clause (f) of section 3, the words "under whatever authority made".

BOMBAY ACT No. III OF 1919.[1]

[THE GOVERNMENT OCCUPANTS (SIND) AMENDMENT ACT, 1919.]

[14th August, 1919.]

An Act further to amend the Government Occupants (Sind) Act, 1899.

Bom. Act III of 1899.

WHEREAS it is expedient further to amend the [2]Government Occupants (Sind) Act, 1899, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Government Occupants (Sind) Amendment Act, 1919.

Bom. Act III of 1899.

Amendment of section 8 of Bom. III of 1899.

2. To section 8 of the [2]Government Occupants (Sind) Act, 1899, the following proviso shall be added, namely :—

[Vol. IV of the Code.]

BOMBAY ACT No. IV OF 1919.[3]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1919.]

[14th August, 1919.]

An Act further to amend the Bombay Port Trust Act, 1879.

Bom. Act VI of 1879.

WHEREAS it is expedient further to amend the [4]Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1919.

Bom. Act VI of 1879.

Amendment of section 43 of Bom. VI of 1879.

2. In section 43 of the [4]Bombay Port Trust Act, 1879, for the words "Wari Bandar", in the two places where they occur. the word "Sewri" shall be substituted.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Part V, page 418; and for Proceedings in Council, *see ibid*, 1919, Pt. V, page 594.

[2] Vol. IV of this Code.

[3] Vol. II of this Code.

[4] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Part V, page 298; and for Proceedings in Council, *see ibid*, 1919, Pt. V, page 587.

BOMBAY ACT No. V OF 1919.[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1919.]

[21st August, 1919.]

An Act further to amend the Bombay Local Boards Act, 1884.

WHEREAS it is expedient further to amend the [2]Bombay Local Boards Act, 1884, in manner hereinafter appearing; It is hereby enacted as follows :— (Bom. Act I of 1884.)

Short title. **1.** This Act may be called the Bombay Local Boards (Amendment) Act, 1919.

Amendment of section 30 of Bom. Act I of 1884. **2** In section 30 of the said Act,

(*a*) in clause (*f*), the word "and" shall be omitted;

(*b*) after clause (*g*), the following clause shall be inserted, namely : –

[Vol. II of this Code.]

Amendment of section 69 of Bom. Act I of 1884. **3.** In section 69 of the said Act, after clause (*e*), the following clause shall be inserted, namely :—

[Vol. II of this Code.]

Act to have retrospective effect. **4** The amendments made in this Act shall be deemed to have been made and to have effect from the first day of April one thousand nine hundred and seventeen.

BOMBAY ACT No. VI OF 1919.[3]

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT) ACT, 1919.]

[20th January, 1920.]

An Act further to amend the Bombay Prevention of Gambling Act, 1887.

WHEREAS it is expedient further to amend the [4]Bombay Prevention of Gambling Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows :— (Bom. Act IV of 1887.)

Short title. **1.** This Act may be called the Bombay Prevention of Gambling (Amendment) Act, 1919.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Part V, page 422 and for Proceedings in Council, *see ibid*, 1919, Part V, page 585.

[2]Vol. II of this Code.

[3]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, V, page 947; and for Proceedings in Council, *see ibid*, 1919, Part V, and page 1095.

[4]Vol. II of this Code.

Bom. Act IV of 1887.

2. In section 3 of the [1]Bombay Prevention of Gambling Act, 1887, hereinafter called "the said Act"—

(a) for the definition of "gaming" the following shall be substituted, namely :—

[Vol. II of this Code.]

Amendment of section 3.

(b) the following words shall be added to the definition of "instruments of gaming," namely :—

[Vol. II of this Code.]

(c) in the definition of "common gaming house" for the words "cards, dice, tables or other" the word "any" shall be substituted.

Amendment of section 5.

3. (1) For the first paragraph of section 5 of the said Act the following shall be substituted, namely :—

[Vol. II of this Code.]

(2) In the second paragraph of the said section the words "or playing" shall be repealed.

Amendment of section 7.

4. In section 7 of the said Act—

(a) the words (i) "cards, dice, gaming-table, counters, cloth, board or other"; and (ii) "used in playing any game, not being a game of mere skill" shall be repealed;

(b) for the word "play" the word "gaming" shall be substituted.

Amendment of section 8.

5. In section 8 of the said Act, the words "or playing" shall be repealed.

Amendment of section 9.

6. In section 9 of the said Act, for the words "playing at any game" the word "gaming" shall be substituted.

Amendment of section 12.

7. In clause (a) of section 12 of the said Act, for the words "playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill" the word "gaming" shall be substituted.

[1] Vol. II of this Code.

BOMBAY ACT No. I OF 1920.[1]

[THE BOMBAY LAND REVENUE CODE (AMENDMENT) ACT, 1920.]

[31st May, 1920]

An Act further to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient further to amend the [2]Bombay Land Revenue Code, 1879, in manner hereinafter appearing; And whereas previous sanction of the Governor General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:— (Bom. Act V of 1879.) (5 & 6 Geo. 5, c. 61.)

Short title. 1. This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1920.

Amendment of section 187 of Bom. Act V of 1879. 2. In section 187 of the [2]Bombay Land Revenue Code, 1879, before the portion commencing with the words "And all persons who may have become sureties", the following provisions shall be inserted: (Bom. Act V of 1879.)

[Vol. II of this Code.]

BOMBAY ACT No. III OF 1920.[3]

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1920.]

[31st May, 1920.

An Act further to amend the Bombay District Municipal Act, 1901.

WHEREAS it is expedient further to amend the [4]Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:— (Bom. Act II of 1901.)

Short title. 1. This Act may be called the Bombay District Municipal (Amendment) Act, 1920.

[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Part V, page 44; and for Proceedings in Council, *see ibid* 1920, Part V, page 209.

[2]Vol. II of this Code.

[3]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Part V, page 887; for Report of Select Committee, *see ibid*, 1920, Part V, page 47; and for Proceedings in Council, *see ibid*, 1919, Part V, pages 857, 1054; *ibid*, 1920, page 261.

[4]Vol. IV, of this Code.

Bom. Act III of 1901.

2. After the first paragraph of clause (*b*) of section 39 of the [1]Bombay District Municipal Act, 1901, hereinafter called "the said Act", the following explanation shall be inserted, namely :—

Amendment of section 39 (*b*) of Bom. Act III of 1901.

[Vol. IV of this Code.]

3. In sub-section (2A) of section 83 of the said Act,

Amendment of section 83 of Bom. Act III of 1901.

(*a*) for the last seven words the words "Registrar of the Court of Small Causes of Bombay" shall be substituted; and

(*b*) the following proviso shall be added, namely :—

[Vol. IV of this Code.]

4. In section 84A of the said Act,

Amendment of section 84A of Bom. Act III of 1901.

(*a*) after the word "officer" where it occurs for the first time the words "or Registrar of the Court of Small Causes of Bombay" and after the word "officer" where it occurs for the second time the words "or Registrar" shall be inserted; and

(*b*) the following words shall be added to the section, namely :—

[Vol IV of this Code.]

BOMBAY ACT No. IV OF 1920.[2]

[THE BOMBAY DISQUALIFICATION OF ALIENS (AMENDMENT), ACT, 1918.]

[*31st May, 1920*]

An Act to amend the Bombay Disqualification of Aliens Act, 1918.

Bom. Act VI of 1918.

WHEREAS it is expedient to amend the [3]Bombay Disqualification of Aliens Act, 1918, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Disqualification of Aliens (Amendment) Act, 1920.

Short title.

Bom. Act VI of 1918.

2. For clause (*a*) of section 2 of the [3]Bombay Disqualification of Aliens Act, 1918, the following clauses shall be substituted, namely :—

Amendment of section 2 of Bom. Act VI of 1918.

[*Supra.*]

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[1]Vol. IV of this Code.

[2]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Part V, page 41 ; and for Proceedings in Council, *see ibid*, 1920, Part V, page 268.

[3]*Supra.*

BOMBAY ACT No. V of 1920 [1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1920.]

[31st May, 1920]

An Act further to amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the [2] City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. Act II of 1888.

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1920.

Amendment of section 3.

2. To section 3 of the [2] City of Bombay Municipal Act, 1888, hereinafter called "the said Act", the following definition shall be added:—

Bom. Act II of 1888.

[Vol. III of this Code.]

Substitution of new sections for sections 302 to 304.

3. For sections 302, 303 and 304 of the said Act, the following sections shall be substituted:—

[Vol. III of this Code.]

New section 385.

4. For section 385 of the said Act, the following section shall be substituted, namely:—

[Vol. III of this Code.]

Amendment of section 471.

5. In the table to section 471 of the said Act,

(*a*) for the entry in the second column opposite section 304, sub-section (*1*), the following shall be substituted:—

[Vol. III of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Part V, page 906; for Report of Select Committee, *see ibid.* 1920, Part V, page 12; and for Proceedings in Council, *see ibid.* 1919, Part V, page 1041; *ibid.* 1920, page 205

[2] Vol. III of this Code.

(*b*) for the entry relating to section 385, sub-section (*1*), the following entry shall be substituted, namely :—

[Vol III of this Code.]

Amendment of section 514.

6. In clause (*b*) of section 514 of the said Act, the figures and brackets "287 (*2*)" shall be repealed

Amendment of Schedule M.

7. In Part IV of Schedule M of the said Act, after the entry "Keeping of eating-houses" the following entry shall be inserted :—

[Vol. III of this Code.]

BOMBAY ACT No. VI OF 1920.[1]

[THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1920.]

[*10th June, 1920.*]

An Act further to amend the City of Bombay Police Act, 1902.

Bom. Act IV of 1902.

5 and 6 Geo. 5, c. 61.

WHEREAS it is expedient further to amend the [2]City of Bombay Police Act, 1902, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 79, sub-section (*3*), of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows :-

Short title.

1. This Act may be called the City of Bombay Police (Amendment) Act, 1920.

Bom. Act IV of 1902.

Amendment of section 1.

2. In section 1, sub-section (*2*), of the [2]City of Bombay Police Act, 1902, hereinafter called "the said Act",

(*a*) after the figures "27" the figures "28" shall be inserted; and

(*b*) for the word and figures "and 102" the words and figures "102, 110A and sub-section (*3*) of section 126A" shall be substituted.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Part V, page 9[illegible]; for Report of Select Committee, *see ibid*, 1920, Part V, page 60; and for Proceedings in Council, *see ibid*, 1919, Part V, page 1106; *ibid*, 1920, page 256.

[2] Vol. IV of this Code.

Amendment of section 28.

3. (*1*) Section 28 of the said Act shall be renumbered sub-section (*1*) of section 28.

(*2*) After the word "place", where it occurs for the first time in the said sub-section, the words "in the City of Bombay" shall be inserted, and the following words shall be added to the said sub-section :—

[Vol. IV of this Code.]

(*3*) The following sub-sections shall be added to section 28 of the said Act :—

[Vol. IV of this Code.]

Amendment of section 33.

4. In section 33, clause (*g*), of the said Act, after the figures and letter "111A" the words, figures and letter "or section 126A" shall be inserted.

Amendment of section 69.

5. In section 69 of the said Act,

(*1*) after the word "confined" the words "or detained" shall be inserted; and

(*2*) after the word "confinement" the words "or detention" shall be inserted.

New section 110A.

6. After section 110 of the said Act, the following section shall be inserted, namely :—

[Vol IV of this Code.]

New section 123A.

7. After section 123 of the said Act, the following section shall be inserted, namely :—

[Vol. IV of this Code.]

New section 126A.

8. After section 126 of the said Act, the following section shall be inserted, namely :—

[Vol. IV of this Code.]

Amendment of section 128.

9. In section 128 of the said Act, after the figures "27" the words and figures "or section 28" shall be inserted.

Amendment of section 130.

10. In section 130 of the said Act, after the figures "122" the figures and letter "126A" shall be inserted.

BOMBAY ACT No. VII OF 1920.[1]

[THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.]

[*17th June, 1920.*]

An Act to amend the Law relating to the regulation of Public Conveyances.

WHEREAS it is expedient to amend the law relating to the regulation of public conveyances; And whereas the previous sanction of the Governor General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 and 6 Geo. 5, c. 61.

Short title and extent.

1. (*1*) This Act may be called the Bombay Public Conveyances Act, 1920.

(*2*) This section and sections 36, 38 and 39 extend to the whole of the Presidency of Bombay. The rest of the Act extends, subject to the provisions of section 36, only to the City of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Commissioner of Police" means the Commissioner of Police for the City of Bombay and includes any person authorised by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act;

(*b*) "public conveyance" means a wheeled vehicle, drawn by one or more horses or other animals or by hand, which is used for the purpose of plying for hire for the conveyance of persons or goods;

(*c*) "licensing year" means the calendar year commencing on the first of January of each year;

(*d*) "driver" includes a conductor, attendant or other person in charge of a public conveyance;

(*e*) "licensee" means the holder of a license granted under this Act for a public conveyance or a horse or a driver of a public conveyance.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Pt. V, 45; for Report of Select Committee, *see ibid*, 1920, Part V, p. 51; and for Proceedings Council, *see ibid*, 1919, Part V, p. 1092; *ibid*, 1920, p. 205.

Licensing of Public Conveyances.

Public conveyances to be licensed.

3. (*1*) No person shall keep or let for hire any public conveyance without a license granted by the Commissioner of Police in this behalf.

(*2*) On every public conveyance—

(*a*) the number of the conveyance as entered in the license granted for the same, and

(*b*) where the conveyance is licensed to carry passengers, the number of passengers which it is licensed to carry,

shall be clearly inscribed in such manner as the Commissioner of Police may direct.

Licenses for public conveyances.

4. (*1*) Such licenses shall remain in force for the licensing year, unless sooner determined under the provisions of this Act, and shall be renewable.

(*2*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :—

(*a*) the full name and address of the licensee ;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the license is granted ;

(*d*) the number and class of the conveyance ;

(*e*) the number of horses or other animals (if any) by which it is to be drawn ;

(*f*) the number of passengers (if any) which it may carry.

(*3*) Such licenses shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction when granted shall be endorsed on the license.

Grounds on which license may be refused or cancelled.

5. (*1*) The Commissioner of Police may refuse to grant a license for a public conveyance if in his opinion the conveyance is insufficiently found or is otherwise unfit for the purpose for which it is intended.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a license for a public conveyance on either of the foregoing grounds, or if in his opinion—

(*i*) the licensee has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the license, or

(*ii*) a conveyance licensed for carrying goods has been used for carrying passengers.

(*3*) When refusing to renew, or suspending or cancelling a license for a public conveyance, the Commissioner of Police may erase the inscription made thereon in accordance with this Act.

6. (*1*) When granting or renewing a license for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (*a*) and (*b*) of sub-section (*2*) of section 3 to be painted or otherwise clearly inscribed upon the conveyance.

Number, etc., to be inscribed on conveyance.

(*2*) No fee shall be charged for any inscription made under the foregoing sub section when it is made at the time when the license is granted or at the annual renewal of the license, but when such inscription is made at any other time a fee at one-half of the rate chargeable for the grant of a license for a public conveyance under section 7, sub-section (*1*), shall be charged.

7. (*1*) For the grant of a license for a public conveyance a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

Fees for public conveyance licenses.

(*2*) For the renewal of such license a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Licensing of horses.

8. (*1*) No horse shall be used for drawing a public conveyance except under a license granted by the Commissioner of Police in respect of such horse.

Licensing of horses.

(*2*) Such licenses shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(*3*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :

(*a*) the full name and address of the licensee ;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the license is granted ;

(*d*) a description of the horse for which the license is granted and the marks of identification of the same ;

(*e*) the class of conveyance to draw which the horse may be used.

(*4*) Such licenses may not be transferred by the licensee to any person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction shall be endorsed on the license.

Branding of horses.

9. When granting a license for a horse the Commissioner of Police shall brand such horse on the hoof in such manner that it may be easily identified.

Grounds on which license for horse may be refused or cancelled and examination by a veterinary practitioner.

10. (*1*) The Commissioner of Police may refuse to grant or renew, and may at any time suspend, a license for a horse if in his opinion such horse is in any way unfit for use in a public conveyance.

(*2*) In case of such refusal or suspension the owner of the horse or licensee, as the case may be, may require that such horse be examined by a veterinary practitioner of the Government or of a local authority, and, if in the opinion of such practitioner the horse is fit for use in a public conveyance, the Commissioner of Police shall grant or renew the license or cancel the order of suspension.

Licensing of Drivers.

Drivers to be licensed.

11. (*1*) No person shall act as driver of a public conveyance without a license granted by the Commissioner of Police in this behalf.

(*2*) Such licenses shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(*3*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :

(*a*) the full name and address of the licensee ;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the license is granted ;

(*d*) the class of public conveyance which the licensee is licensed to drive.

Grounds on which driver's license may be refused or cancelled.

12. (*1*) The Commissioner of Police may refuse to grant a license to a driver if in his opinion such driver is unfit on account of youth, infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a driver's license on the foregoing grounds or if the holder has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the license.

Drivers' badges.

13. (*1*) When granting a license to a driver the Commissioner of Police shall provide him with a metal badge bearing the number of the license.

(*2*) Every driver who has received such badge shall wear the same on a conspicuous part of his dress at all times when pursuing his occupation as driver.

(3) No driver who has received such badge shall permit any other person to wear the same: provided that any person, other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge shall be presumed, until the contrary is proved, to wear it with such driver's permission.

14. (1) For the grant of a license to a driver a fee shall be charged at such rate as the Commissioner of Police shall prescribe. Fees for drivers' licenses.

(2) For the renewal of such license a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Provisions relating to licensees.

15. Every license which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof. Licenses when suspended or cancelled to be returned.

16. Whenever a licensee shall change his residence he shall within one week thereafter give notice thereof in writing signed by himself to the Commissioner of Police. Change of address of licensee to be reported.

17. Every licensee of a public conveyance or horse shall produce such conveyance or horse for inspection whenever the Commissioner of Police shall require him to do so. Public conveyance or horse to b produced for inspection when required.

Fares and stands.

18. The Commissioner of Police shall, subject to the conditions of previous publication and the previous sanction of the Governor in Council, fix the legal rates of fares for public conveyances. Rates of fares.

19. The Commissioner of Police shall appoint stands or places, at which alone public conveyances may stand to ply for hire. Stands.

20. (1) Every driver of a public conveyance shall have with him when pursuing his occupation as driver the license granted to him under section 11 of this Act and a clean and legible list, in English and such vernacular language or languages as the Commissioner of Police may direct, bearing the name in full of the licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract of the law relating to public conveyances. Driver to have his license as driver and list of fares.

(2) Every such driver shall on demand by a police officer produce for inspection such license and list.

(3) Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

Book of fares to be issued.

21. Lists of the fares fixed for public conveyances, as for the time being in force, together with the abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price.

Offences and punishments.

22. Any person who shall—

Keeping public conveyance without license.

(*a*) keep or let for hire any public conveyance without a license granted by the Commissioner of Police in this behalf and for the time being in force, or

(*b*) who shall keep or let for hire any public conveyance on which the number and other particulars required by section 3 are not clearly inscribed in such manner as the Commissioner of Police directs,

shall be punishable with fine which may extend to one hundred rupees.

Failure to cause public conveyance to ply when so required by the police.

23. Any licensee of a public conveyance who shall without sufficient reason fail to cause such conveyance to ply for hire when required to do so by a police officer and any driver of a public conveyance who shall without sufficient reason fail duly to pursue his occupation when required to do so by a police officer, shall be punishable with fine which may extend to fifty rupees.

Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

24. Any licensee of a public conveyance who shall, when the same is used for the purpose of a public conveyance, permit any person to act as driver thereof other than a driver duly licensed under this Act, or who shall, when such conveyance is used for the purpose aforesaid, permit the same to be drawn by a horse other than a horse for which a license is in force under this Act, shall be punishable with fine which may extend to fifty rupees.

Failure to produce public conveyance or horse for inspection.

25. Whoever, being the licensee of a public conveyance or horse, shall fail to produce such conveyance or horse for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

Offences by drivers of public conveyances.

26. (*1*) Whoever shall act as driver of a public conveyance without a driver's license granted by the Commissioner of Police in this behalf and for the time being in force, or without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge on a conspicuous part of his dress; and

(*2*) Whoever, being the driver of a public conveyance, shall—

(*a*) permit any other person to use his license or badge;

(*b*) permit more passengers to be carried in a public conveyance than it is licensed to carry;

(*c*) conceal or permit to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevent or attempt to prevent any person taking note of such inscription;

(*d*) permit any person to be carried, without the express consent of the hirer, in a public conveyance the whole of which has been hired by any person;

(*e*) fail to produce, on demand by a police officer, the license granted to him under section 11 or a list of the legal rates of fares as required by this Act;

(*f*) fail to produce, on demand by a hirer of, or passenger travelling in, a public conveyance a list of the legal rates of fares for such conveyance as required by this Act;

(*g*) refuse or neglect to give way, if he conveniently can, to any private conveyance, or obstruct or hinder the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance;

(*h*) be intoxicated at any time while pursuing his occupation as driver;

(*i*) make use of insulting or abusive language or gesture;

(*j*) refuse to obey the reasonable orders of any person hiring a public conveyance of which he is in charge;

(*k*) when acting as driver, permit the inside of a public conveyance of which he is in charge to be dirty; or

(*l*) when in charge of a public conveyance other than a cart used for conveyance of goods,—

(*i*) demand prepayment of his fare, or

(*ii*) refuse without reasonable cause to carry any person desiring to hire the conveyance, or

(*iii*) refuse or delay to proceed with reasonable expedition, or

(*iv*) demand for the hire of the conveyance more than the legal fare, or

(*v*) stand to ply for hire at any place other than a stand or place appointed under this Act or loiter for the purpose of being hired in or upon any public street, road or place,

shall be punishable with fine which may extend to fifty rupees.

Failure to return license or to notify address.

27. Any licensee

(*a*) who shall fail to return a license which has been suspended or cancelled to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof, or

(*b*) who, after changing his residence, shall fail to give notice thereof in writing signed by himself to the Commissioner of Police within one week after such change has taken place, or

(*c*) who shall contravene any condition of his license,—

shall be punishable with fine which may extend to twenty rupees.

Injury to public convey-ance.

28. Any person using a public conveyance who shall wilfully or negligently injure the same shall be punishable with fine which may extend to twenty rupees, and shall also pay the owner of such conveyance such compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Compensa-tion pay-able by driver causing damage.

29. The driver of any public conveyance who shall, by negligence or misconduct, cause any hurt or damage shall, in addition to any punishment to which he may be liable by law, pay the complainant such reasonable compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Procedure.

Arrest by police.

30. Any police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

Procedure in case of dispute.

31. (*1*) In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the nearest Magistrate's Court, where the dispute shall be determined in a summary manner by the Magistrate then sitting.

(*2*) If no Magistrate is then sitting, either party may require the other to proceed to the nearest police officer of rank not below that of inspector who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.

(*3*) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (*1*) or sub-section (*2*), or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte* and his decision shall be binding on both parties.

(*4*) Provided that, if the hirer is about to leave the City of Bombay, a police officer to whom reference has been made under sub-section (*2*) may, after hearing both parties, require the hirer to deposit such sum, if any, as

appears to be due by him, and, if any compensation appears to be due under section 28, an additional sum of ten rupees, and the hirer shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just, and if any offence appears to have been committed, shall inquire into the same according to law. In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice hereof to the hirer and return it to him on demand.

(*5*) Where the Magistrate is satisfied that one party had no reasonable ground for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as a fine.

Licensee may be required to produce driver: penalty.

32. (*1*) When a complaint is made before a Magistrate against a driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver.

(*2*) If the licensee after being duly summoned fails without reasonable excuse to appear or to produce the driver he shall be punishable with fine not exceeding fifty rupees.

Refusal to pay fare.

33. If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation for loss of time; such fare and compensation shall be leviable as a fine.

Miscellaneous.

Disposal of property: penalty.

34. (*1*) All property left in any public conveyance shall be forthwith deposited by the licensee or driver of such conveyance at the nearest police station.

(*2*) The Commissioner of Police shall cause such property to be returned to such person as shall prove to his satisfaction that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of Police may consider just.

(*3*) Any licensee or driver failing to deposit any property as required by sub-section (*1*) shall be punishable with fine which may extend to fifty rupees.

Rules.

35. (*1*) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with the provisions of this Act for the regulation of public conveyances.

(*2*) Such rules shall be published in the Bombay Government Gazette.

Extension of Act.

36. (*1*) The Commissioner in Sind or the Commissioner of a division may by [1]notification in the Bombay Government Gazette extend this Act or any specified provisions thereof to any area within his jurisdiction from a date to be stated in such notification.

(*2*) Where this Act or any portion thereof is extended to any such area, the Commissioner in Sind or the Commissioner of the division, as the case may be,—

(*a*) shall by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police, and

(*b*) may by notification direct that any particular Magistrates or classes of Magistrates shall exercise jurisdiction under this Act and

(*c*) may by notification direct —

(*i*) that any class of vehicles shall be exempt from all or any of the provisions of this Act, or

(*ii*) that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

(*3*) A notification under this section extending this Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect.

(*4*) When this Act or any portion thereof is extended to any area, the powers of fixing fees and of appointing stands and of making rules shall be exercised subject to the approval of the Commissioner in Sind or the Commissioner of the division, as the case may be.

(*5*) When this Act or any portion thereof has been extended to any area, the Commissioner in Sind or the Commissioner of the division, as the case may be, shall pay to the local authority administering this Act in such area or, if there be more than one such local authority, to the local authorities of such area in such proportion as he shall think fit, the balance remaining after

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[1] For such notification, see Bombay Government Gazette, 1920, Part I, page 2330.

deducting from the fees charged in such area under this Act or the rules made thereunder the expenditure incurred in the administration of this Act in such area.

37. The Governor in Council may by notification in the Bombay Government Gazette direct that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

Application in city of Bombay of certain provisions to vehicles not used for plying for hire.

38. All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers may be exercised from time to time.

39. The enactments specified in the Schedule are hereby repealed to the extent stated in the fourth column thereof

Repeal of certain enactments.

THE SCHEDULE.

(*See section 39.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
		Act of the Governor General in Council.	
1895	XVI	[1]The Amending Act, 1895	The entry in the second Schedule relating to Bombay Act No. VI of 1863.
		Acts of the Governor of Bombay in Council.	
1863	VI	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	So much as has not been repealed.
1887	V	An Act to amend Bombay Act No. VI of 1863.	The whole.
1915	III	[2]The Bombay Decentralization Act, 1915	The entry in Schedule I relating to Bombay Act No. VI of 1863.

[1] Vol. I of this Code.

[2] *Supra.*

BOMBAY ACT No. VIII OF 1920.[1]

[THE BOMBAY SMOKE-NUISANCES (AMENDMENT) ACT, 1920.]

[*11th November, 1920.*]

An Act to amend the Bombay Smoke-nuisances Act, 1912.

WHEREAS it is expedient to amend the [2]Bombay Smoke-nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act VII of 1912.

Short title. **1.** This Act may be called the Bombay Smoke-nuisances (Amendment) Act, 1920.

Amendment of section 3 of Bom. VII of 1912. **2.** Clause (*iii*) of the proviso to sub-section (*1*) of section 3 of the [2]Bombay Smoke-nuisances Act, 1912, hereinafter called "the said Act", shall be repealed. Bom. Act VII of 1912.

Amendment of section 11 of Bom. VII of 1912. **3.** In section 11 of the said Act,

(*a*) in sub-section (*1*), the words "with the previous sanction of the Governor General in Council, and", and

(*b*) in sub-section (*2*), clause (*g*) shall be repealed.

BOMBAY ACT No. IX OF 1920.[3]

[THE BOMBAY VILLAGE PANCHAYATS ACT, 1920.]

[*11th November, 1920.*]

An Act to provide for the constitution of village panchayats.

WHEREAS it is expedient to give the inhabitants of certain small areas the opportunity of providing for the requirements of such areas in respect of water supply, sanitation and other works of public utility, with the object that they may be encouraged to take an interest in local self-government; And whereas the previous sanction of the Governor General required by section 79, sub-section (*2*), of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:— 5 & 6 Geo. 5, c. 61.

Short title. **1.** (*1*) This Act may be called the Bombay Village Panchayats Act, 1920.

Extent. (*2*) It extends to the whole of the Bombay Presidency.

Definitions. **2.** In this Act, unless there is anything repugnant in the subject or context,—

(*a*) the word "village" means any local area duly declared to be a village for the purposes of this Act;

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p 410; and for Proceedings in Council, *see ibid*, 1920, Pt. V, p. 649.

[2] *Supra.*

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Pt. V, p. 958; for Report of Select Committee, *see ibid*, 1920, Pt V, p. 64; and for Proceedings in Council, *see ibid*, 1919, Pt. V, p. 1108; *ibid*, 1920, pp. 268, 744, 762 and 796.

(*b*) the word "prescribed" means prescribed by rules under this Act;

(*c*) the word "sar-panch" means the chairman of the panchayat elected in accordance with the provisions of section 12.

Declaration of area.

3. On application in writing being made either by the district local board after previous notice to the Collector or by the Collector after previous notice to the district local board the Commissioner may, by notification in the Bombay Government Gazette,—

(*a*) declare any local area to be a village for the purposes of this Act;

(*b*) declare that any area should be included in or excluded from a village; or

(*c*) cancel any such declaration.

Establishment of panchayat.

4. In every village a panchayat shall be established consisting of such number of persons not less than five as shall be determined by the district local board.

Members of panchayat.

5. The officiating patel, if any, or if there be more than one, the officiating revenue patel, or if there be more than one officiating revenue patel, the senior shall be *ex-officio* a member of the panchayat.

The president of the district local board shall in case of doubt or dispute decide who is the senior officiating revenue patel and his decision shall be final.

Save as aforesaid each member of the panchayat shall be elected.

Disqualifications.

6. No person may become or continue to be an elected member of a panchayat who—

(*a*) is a female, or

(*b*) is under twenty-one years of age, or

(*c*) does not ordinarily reside in the village, or

(*d*) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the [1]Code of Criminal Procedure, 1898, such sentence or order not having subsequently been reversed or remitted or the offender pardoned, and whose disqualification has not been removed by an order which the Governor in Council is hereby empowered to make, or

V of 1898.

(*e*) has been permanently debarred from practising as a legal practitioner by order of any competent authority, or

(*f*) has been adjudged by a competent Civil Court to be a lunatic, the adjudgment being still in force, or

[1] General Acts, Vol. V.

(*g*) has been adjudicated an insolvent by a competent Court and has not obtained his discharge, or

(*h*) has been removed from office under section 15 and whose disqualification has not been removed by an order which the district local board is hereby empowered to make.

A disqualification under clause (*d*) shall cease on the expiration of five years from the order of whipping or the termination of the period of imprisonment, transportation or security, as the case may be, and a disqualification under clause (*e*) shall cease on the expiration of five years from the date of the order.

Elections.

7. Subject to the foregoing provisions and to such rules as may be made by the Governor in Council, elections shall be made in each village* by the adult male residents therein at a meeting presided over by the Assistant or Deputy Collector or other officer or person appointed in this behalf by the Collector and the result shall be reported by him to the Collector and the district local board.

Validity of elections

8. If the Collector after enquiry is satisfied that any member has been elected in contravention of the provisions of section 6 or that any corrupt or irregular practice has been committed in connection with the election of any member which in the opinion of the Collector should invalidate such election, the Collector shall declare the election of such member to be invalid and such declaration shall be final.

New election if election invalid.

9. If the Collector shall declare the election of any member invalid, new election for the vacant seat shall be held in accordance with the foregoing provisions.

Term of office.

10. Members elected at a periodical election under this Act shall ordinarily hold office for a term of three years and shall be eligible for re-election.

Secretary.

11. Every panchayat shall appoint a secretary. Such appointment shall be subject to the approval of the district local board.

Sar-panch.

12. (*1*) The members of the panchayat shall elect one of themselves as sar-panch.

(*2*) The sar-panch shall ordinarily hold office for one year, but shall be eligible for re-election.

rocedure at eetings.

13. The procedure at a meeting of a panchayat shall be in accordance with rules made by the Governor in Council in this behalf.

xecutive of anchayat.

14. The resolutions of the panchayat shall be carried out by the sar-panch, in whom the entire executive power of the panchayat shall be vested,

and who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act.

Removal of member, sar-panch, or secretary.

15. The district local board may after hearing the views of the panchayat remove any elected member or any sar-panch of a panchayat who is in its opinion unfit to be a member or sar-panch, as the case may be, or is persistently remiss in the discharge of his duties as such, and a sar-panch so removed may unless he be an *ex-officio* member of the panchayat, at the discretion of the said board, also be removed from the panchayat. The district local board may also remove the secretary of a panchayat for similar reasons.

Residence of member to be decided by Collector.

16. If any dispute arises as to whether a member does or does not ordinarily reside in the village such dispute shall be decided by the Collector after enquiry and his decision shall be final.

Vacancy due to disqualification, etc., of elected member.

17. *(1)* Any vacancy due to the disablement, death, resignation, disqualification or removal of an elected member shall be filled up as soon as convenient by the election held in accordance with the foregoing provisions of a person who shall hold office so long only as the member in whose place he is elected would have held it if the vacancy had not occurred.

(2) Any vacancy due to the disablement, death, resignation, disqualification or removal of a sar-panch shall be filled up as soon as convenient by the election of a member who shall hold office as sar-panch so long only as the sar-panch in whose place he is elected would have held it if the vacancy had not occurred.

(3) A sar-panch shall become disqualified if as a member of the panchayat he becomes disqualified.

Duties of panchayat.

18. *(1)* It shall be the duty of the panchayat within the limits of the fund at its disposal to make reasonable provision for carrying out the requirements of the village in respect of as many of the following matters as the district local board shall direct, *viz.* :—

(a) the supply of water for domestic use ;

(b) the cleansing of the public roads, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village ;

(c) the construction, maintenance and repair of minor roads, drains and bridges : provided that such works shall not be undertaken without the permission of the person or authority in whom or in which the road, drain or bridge vests ;

(d) sanitation, conservancy and the prevention and abatement of nuisances ;

(*e*) the preservation and improvement of the public health;

(*f*) the maintenance and the regulation of the use of public buildings vesting in the panchayat, grazing lands, tanks and wells (other than tanks and wells used exclusively for irrigation); and

(*g*) the lighting of the village.

(*2*) The panchayat may also make provision for carrying out the requirements of the village in respect of any other matters approved by the district local board.

Additional duties.

19. The district local board may at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in section 18, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work: provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

Other duties.

20. (*1*) The panchayat shall, subject to rules made by the district local board under this Act,—

(*a*) supervise the village school;

(*b*) supervise the labour employed by local boards on works within the village;

(*c*) manage and maintain cattle pounds;

(*d*) perform such other administrative duties as may from time to time be assigned to it by the Governor in Council by notification in the Bombay Government Gazette.

(*2*) Rules made by the district local board under this section shall be made within six months from the passing of this Act. If not made within that period, it shall be open to the Governor in Council to make rules in this behalf.

Property of panchayat.

21. (*1*) It shall be competent to the district local board from time to time to direct that any property vesting in the district local board shall vest in a panchayat.

(*2*) Every work constructed by a panchayat shall vest in such panchayat.

Schedule of servants.

22. The panchayat shall, subject to the provisions of section 32, determine and submit to the district local board a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the panchayat by or under this Act.

Appointment of servants.

23. (*1*) The sar-panch shall appoint the servants of the panchayat and pay their salaries from the funds at his disposal. He may also in cases of

emergency engage such temporary servants as he may deem necessary. The sar-panch may from time to time by a written order fine, suspend or dismiss any servant appointed by him.

(*2*) No appeal shall lie against any order passed under this section other than an appeal to the panchayat against an order of dismissal.

Budget.

24. (*1*) The panchayat shall determine annually and shall submit to the district local board on or before such date and in such form as may be prescribed by the district local board a statement of—

(*a*) the opening balance and estimated income of the village fund for the following year ;

(*b*) the expenditure proposed on establishment and the discharge of the duties specified in sub-section (*1*) of section 18 ;

(*c*) the expenditure proposed under sub-section (*2*) of section 18.

(*2*) The district local board shall within two months from the date of the receipt of such statement either approve the same or direct that the proposed expenditure on any of the duties specified in section 18 shall be increased or decreased : provided that the district local board shall not have power to direct that the total proposed expenditure shall exceed the estimated income of the village fund for the following year.

Village fund.

25. For each village there shall be at the disposal of the panchayat a village fund and there shall be placed to the credit thereof —

(*a*) any amount which may be allotted to the village fund by the Governor in Council under the provisions of section 191 of the [1] Bombay District Municipal Act, 1901 ;

[Bo]m. Act III 1901.

(*b*) the proceeds of any tax imposed under section 26 or section 27 ;

(*c*) all fines realized in prosecutions for breaches of the by-laws made under this Act ;

(*d*) all other sums ordered by a Court to be placed to the credit of the village fund ;

(*e*) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung, or refuse (including the dead bodies of animals) collected by the village servants ;

(*f*) sums contributed to the village fund by a district local board ;

(*g*) all sums received by way of loans from Government or by way of gift ;

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(h) such other sums as may be assigned to the village fund by any general or special order of the Governor in Council; and

(i) the income of any property vesting in the panchayat under section 21.

House tax.

26. In every village a house tax shall be levied in accordance with rules made by the Governor in Council.

Additional taxation.

27. (1) Subject to the veto of the Governor in Council a panchayat may, with the approval of and in accordance with rules made by the district local board, levy any tax upon the owners or occupiers of houses or lands within the limits of the village. Any such owner or occupier may appeal against the assessment or levy of any such tax to the district local board whose decision shall be final.

(2) Subject to such veto a panchayat may with such approval and in accordance with such rules impose an octroi.

Any resident of the village may appeal against the imposition of such octroi to the district local board whose decision shall be final.

Increase of income.

28. (1) If at any time in the opinion of the district local board the regular income of the panchayat falls below what is necessary for the proper discharge of the duties specified in section 18, the district local board may call upon the panchayat to take steps within six months to increase its income to such a figure as it considers necessary. If the panchayat fails to take adequate steps to increase its income to the required amount, the district local board may require it to increase the house tax:

Provided that in no circumstances shall the district local board have power to require the house tax to be increased beyond the maximum rate prescribed by the Governor in Council.

(2) Any panchayat may appeal to the Commissioner against the enhancement of its income and no action shall be taken by the district local board to effect such enhancement until the appeal has been decided.

Recovery of taxes.

29. (1) On any person failing to pay any tax or instalment thereof or any due on or before the specified date of payment, the panchayat shall cause a writ of demand to be served on the defaulter and, if payment is not made within 15 days from such service, may levy such sum by distraint and sale of his movable property.

(2) If the panchayat either fails to recover the taxes or fines due to it or neglects to take action under the provisions of the preceding sub-section or of sub-section (4) of section 41, the district local board may request the Collector to recover the same as an arrear of land revenue, and the Collector may, after holding such enquiry, if any, as he thinks fit, proceed to do so.

Bom. Act I of 1884

30. Notwithstanding anything in the [1]Bombay Local Boards Act, 1884, the district or taluka local board may assign a portion of the local fund to a panchayat for expenditure in connection with the provisions of this Act.

Bombay Local Boards Act.

31. (*1*) The district local board shall have power—

Power of inspection.

(*a*) to enter on and inspect, or cause to be entered on and inspected any immovable property occupied by any panchayat, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of a panchayat, any book or document in the possession of or under the control of a panchayat and any return, statement, account or report which it may think fit to require such panchayat to furnish;

(*c*) to require a panchayat to take into consideration any objection which appears to the district local board to exist to the doing of any thing which is about to be done or is being done by such panchayat, or any information which the district local board is able to furnish and which appears to it to necessitate the doing of a certain thing by the panchayat, and to make a written reply to the district local board within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(*2*) All or any of the powers given to the district local board under the preceding sub-section may be delegated by it to its president, vice-president, chief officer, public health officer or executive engineer.

32. If in the opinion of the district local board the number of persons maintained or proposed to be maintained by a panchayat as officers or servants or the remuneration given or proposed to be given by the panchayat to such persons is excessive, the panchayat shall, on the requirement of the district local board, reduce such number or remuneration :

Extravagance in establishment.

Provided that the panchayat may appeal against any such requirement to the Governor in Council, whose decision shall be final.

33. (*1*) If in the opinion of the district local board the execution of any order or resolution of a panchayat or the doing of anything which is about to be done or is being done by or on behalf of a panchayat is causing, or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, it may, by order in writing, under the signature of its president suspend the execution or prohibit the doing thereof.

Suspension of execution of order.

(*2*) When a district local board makes any order under the preceding sub-section, it shall forthwith forward to the Governor in Council and to the panchayat affected thereby a copy of the order with a statement of the reasons for making it, and it shall be in the discretion of the Governor in Council to

[1] Vol. II of this Code.

rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as he may think fit.

Execution of work in case of emergency.

34. (*1*) In cases of emergency the district local board may provide for the execution of any work, or the doing of any act, which a panchayat is empowered to execute or do, and the immediate execution or doing of which is, in its opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, shall be forthwith paid by the panchayat.

(*2*) If the expense is not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or as much thereof as is possible, from the balance of such fund in his hands.

(*3*) The district local board shall forthwith report to the Governor in Council every case in which it uses the powers given to it by sub-section (*1*).

Performance of duty.

35. (*1*) If at any time it appears to the district local board that a panchayat has made default in the performance of any duty specified in section 18, it may order the duty to be performed within a specified period and, if the duty is not performed within the period specified, it may appoint some person to perform it and direct that the expense of performance shall be paid by the defaulting panchayat within such period as the district local board may fix.

(*2*) If the expense is not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or as much thereof as is possible, from the balance of such fund in his hands.

(*3*) The district local board shall forthwith report to the Governor in Council every case in which it uses the powers given to it by sub-section (*1*).

Supersession of panchayat.

36. (*1*) If in the opinion of the Governor in Council a panchayat exceeds or abuses its powers or makes persistent default in the performance of the duties specified in section 18, the Governor in Council may, after reference to the district local board, by an order in the Bombay Government Gazette, supersede such panchayat for a period specified in the order.

(*2*) When a panchayat is so superseded,

(*a*) all members thereof shall vacate their offices as members as from the date of the communication of the orders to the sar-panch;

(*b*) all powers and duties of the panchayat shall, during the period of supersession, be exercised and performed by such person or persons as the district local board may from time to time appoint in that behalf; and

(*c*) on the expiry of the period of supersession the panchayat shall be reconstituted and the persons vacating their offices under clause (*a*) shall be eligible for re-election.

Authority of Governor in Council.

37. In all matters connected with this Act, the Governor in Council shall have and exercise the same authority and control over the district local boards as he has and exercises over them under the [1]Bombay Local Boards Act, 1884.

Bom. Act I of 1884.

By-laws.

38. (*1*) The district local board may, with the previous sanction of the Governor in Council, make by-laws providing for—

(*a*) the purification and protection from pollution of all sources of water used for drinking purposes;

(*b*) the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source where such removal or use causes, or is likely to cause, disease or injury to health and the prevention of such removal or use by the filling in or covering over of such tank or well or by any other method which may be considered advisable;

(*c*) the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(*d*) the regulating of offensive callings or trades;

(*e*) the disposal of corpses by burning or burial;

(*f*) the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(*g*) the removal of noxious vegetation;

(*h*) the repair and removal of dangerous or ruinous buildings;

(*i*) the prevention of the erection of buildings without adequate provision for ventilation or the laying out and location of streets;

(*j*) the regulation of markets and slaughter-houses; and

(*k*) the general regulation of sanitation and conservancy;

and may with the like sanction provide a penalty not exceeding ten rupees for a breach of any such by-law.

(*2*) All or any of these by-laws may be applied to any village by the district local board.

(*3*) The making of such by-laws shall be subject to the condition of previous publication.

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Trial for breaches of by-laws by panchayat.

39. (*1*) Every breach of a by-law made under this Act shall, unless the District Magistrate otherwise directs, be cognizable by the panchayat.

(*2*) The panchayat shall in the presence of the accused person, or if notwithstanding the service of a notice upon the said person he fails to appear, then in his absence, take evidence as to the alleged breach and any evidence produced by the said person in his defence and shall thereupon either acquit or convict the accused person and, if he is convicted, the panchayat may sentence him to such punishment authorised by this Act or by the by-laws as it thinks reasonable.

(*3*) No advocate, attorney, pleader, vakil or mukhtiar shall appear before a panchayat on behalf of an accused person.

(*4*) A person convicted by the panchayat may, at any time within ten days after sentence is passed against him, apply for revision to the District Magistrate or to such other Magistrate, not being a member of such panchayat, as the District Magistrate may, subject to the orders of the Governor in Council, from time to time appoint in this behalf.

(*5*) In revision the Magistrate may confirm, reverse or modify the decision of the panchayat and may pass any order as to punishment which it was competent to the panchayat to pass; his order shall be enforced in like manner as one made by the panchayat.

(*6*) Such Magistrate may suspend execution of the sentence pending disposal of the application when such suspension shall appear to him necessary or expedient, on such terms as he may think fit.

Trial by Magistrate.

40. Where the District Magistrate by a special or general order so directs, any breach of such by-laws shall not be cognizable by a panchayat under section 39 but shall be cognizable by any Magistrate and punishable as provided in this Act.

Punishment.

41. (*1*) A breach of any by-law made under this Act shall be punishable, unless in any case a smaller punishment is provided in such by-laws, with fine which may extend to ten rupees and in the case of a continuing breach with fine which may extend to two rupees for every day during which the breach continues after conviction for the first breach or after receipt of notice from the panchayat to discontinue the breach.

(*2*) A person convicted by a Magistrate of a breach or a continuing breach may be sentenced in default of payment of the fine to simple imprisonment for a period which may extend to four days.

(*3*) A panchayat may allow a person sentenced by it to pay a fine such time not exceeding four days as it may think proper for the payment of the

fine, on such terms as to security as it shall seem to the panchayat necessary to impose.

(*4*) Fines inflicted by a panchayat shall be recoverable by distraint and sale of the offender's movable property. If the amount of the fine is not fully recovered, the panchayat may apply to a Magistrate to recover the fine or such part thereof as has not been recovered and the Magistrate shall proceed to recover the same as if the fine had been imposed by himself.

Rules.

42. (*1*) The Governor in Council may by notification in the Bombay Government Gazette make rules—

(*a*) under section 7, regulating the elections of members of panchayats;

(*b*) under section 13, regulating the procedure at a meeting of a panchayat, providing for the casting vote of the sar-panch, and fixing a quorum;

(*c*) under section 20, on default by the district local board, regulating the performance by panchayats of the duties therein referred to;

(*d*) under section 26, regulating the levy of a house-tax;

(*e*) under section 28, fixing a maximum rate of house-tax.

(*2*) The district local board may, with the previous sanction of the Governor in Council, make rules to carry out the objects of this Act except in the cases provided for in sub-section (*1*); in particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) under section 20, regulating the performance by panchayats of the duties therein referred to;

(*b*) under section 24, fixing a time limit for submitting and the form of the statement therein referred to;

(*c*) under section 27, regulating the levy of additional taxation.

The making of such rules shall be subject to the condition of previous publication.

Delegation of powers.

43. The Governor in Council may by notification authorise any person to exercise any of the powers vested in him or conferred on district local boards in respect of panchayats by this Act and may at any time in like manner modify or cancel such authority.

Balance of village fund.

44. On any area ceasing to be a village the unexpended balance of the village fund and the property vesti[illegible] panchayat shall vest in the district local board and shall be utilis[illegible] benefit of the inhabitants of the area as the district local board m[illegible]

BOMBAY ACT No. X OF 1920.[1]

[THE BOMBAY BOILER INSPECTION (AMENDMENT) ACT, 1920]

[*11th November, 1920.*]

An Act further to amend the Bombay Boiler Inspection Act, 1917.

WHEREAS it is expedient to amend the [2] Bombay Boiler Inspection Act 1917. in manner hereinafter appearing: It is hereby enacted as follows :— Bom. Act V of 1917.

Short title. **1.** This Act may be called the Bombay Boiler Inspection (Amendment) Act, 1920.

2. After section 39 of the [3] Bombay Boiler Inspection Act, 1917, the following section shall be inserted, namely :— Bom. Act V of 1917.

[*Supra.*]

BOMBAY ACT No. XI OF 1920[3].

[THE CITY OF BOMBAY IMPROVEMENT (AMENDMENT) ACT, 1920.]

[*26th November, 1920.*]

An Act to amend the City of Bombay Improvement Act, 1898.

WHEREAS it is expedient further to amend the [4] City of Bombay Improvement Act, 1898, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. Act IV of 1898.

Short title. **1.** This Act may be called the City of Bombay Improvement (Amendment) Act, 1920.

Amendment of section 60. **2.** For clause (*a*) of sub-section (*2*) of section 60 of the [4] City of Bombay Improvement Act, 1898, the following clause shall be substituted, namely:— Bom. Act IV of 1898.

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BOMBAY ACT No. XII OF 1920.[5]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1920].

[*9th December, 1920.*]

An Act further to amend the Bombay District Police Act, 1890.

WHEREAS it is expedient further to amend the Bombay District Police Bom. Act IV of 1890.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 754*l*, and for Proceedings in Council, *see ibid*, 1920, Pt. V, p. 1005.
[2] *Supra.*
[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V., p. 859, and for Proceedings in Council, *see ibid*, 1920, Pt. V., p. 1075.
[4] Vol. IV of this Code.
[5] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 412, for Report of Select Committee, *see ibid*, 1920, Pt. V, p. 861, and for Proceedings in Council, *see ibid*. 1920, Pt. V, pp. 650 and 1001.

Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay District Police (Amendment) Act, 1920.

Bom. Act IV of 1890.

Amendment of section 3 of Bom. IV of 1890.

2. In clause (*a*) of section 3 of the [1]Bombay District Police Act, 1890, hereinafter called the said Act, after the words "District Superintendent" the words "Additional Superintendent" and after the words "District Superintendent of Police" the words "an Additional Superintendent of Police" shall be inserted.

Amendment of section 6 of Bom. IV of 1890.

3. In section 6 of the said Act—

(*a*) after the word "Superintendent" the words "an Additional Superintendent" shall be inserted; and

(*b*) the following paragraph shall be added, namely:—

[Vol. III of this Code.]

BOMBAY ACT No. XIII OF 1920[2].

[THE BOMBAY TOWN PLANNING (AMENDMENT) ACT, 1920.]

[*9th December, 1920.*]

An Act to amend the Bombay Town Planning Act, 1915.

Bom. Act I of 1915.

WHEREAS it is expedient to amend the [3]Bombay Town Planning Act, 1915, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 1920.

Bom. Act I of 1915.

Amendment of section 15 of Bom. I of 1915.

2. In sub-section (*1*) of section 15 of the [3]Bombay Town Planning Act, 1915, hereinafter called the said Act:—

(*a*) in clause (*a*) after the word "work," the words "or remove, pull down, or alter any building or part of a building or remove any earth, stone or material" shall be inserted;

(*b*) the following clause shall be added:—

[*Supra.*]

Amendment of section 17 of Bom. I of 1915.

3. For the first paragraph of section 17 of the said Act, the following shall be substituted:—

[*Supra.*]

Amendment of section 52 of Bom. I of 1915.

4. In sub-section (*2*) of section 52 of the said Act in clause (*l*), for the words "local authority" the words "Governor in Council" shall be substituted.

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[1] Vol. III of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 803, for Report of Select Committee, *see ibid*, 1920, Pt. V, p. 754ff, and for Proceedings in Council, *see ibid*, 1920, Pt. V, pp. 648 and 970.

[3] *Supra.*

BOMBAY ACT No. XV OF 1920.[1]

[THE CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920.]

[13th December, 1920.]

An Act to provide for the extension of primary education in the City of Bombay.

WHEREAS it is expedient to provide for the extension of primary education in the City of Bombay: It is hereby enacted as follows:—

Short title, extent and construction.

1. *(1)* This Act may be called the City of Bombay Primary Education Act, 1920.

(2) It extends only to the City of Bombay.

Bom. Act II of 1888.

(3) It shall be construed as part of and supplementary to the [2]City of Bombay Municipal Act, 1888, hereinafter called "the principal Act".

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the Schools' Committee with the approval of the prescribed educational authority;

(2) "child" means a child whose age is not less than six and not more than eleven years;

(3) "parent" includes a guardian and any person who has the actual custody of a child;

(4) "prescribed" means prescribed by rules made by the Governor in Council under this Act;

(5) "primary education" means such education as is for the time being recognized as such by the Governor in Council;

(6) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority;

(7) "Schools' Committees" means a committee appointed under section 39 of the principal Act.

Issue of notification making primary education compulsory.

3. *(1)* The Corporation may with the previous sanction of the Governor in Council declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in the City of Bombay or

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 391; *for* Report of Select Committee, *see ibid*, 1920, Pt. V, p. 734 (a); and for Proceedings in Council, *see ibid*, 1920, Pt. V, pp. 645 and 968.

[2] Vol. III of this Code.

in any ward or part of a ward thereof from a date to be mentioned in the notification; provided that, where a notification has been issued under this section with reference to children of one sex only, the Corporation may with the like sanction issue a subsequent notification with reference to children of the other sex.

(2) A notification under this section shall be published in the Bombay Government Gazette and shall be posted at the municipal office and at such other places, if any, as the Corporation shall deem necessary.

Corporation to make provision for primary education.

4. A notification shall not be issued under section 3 unless the Corporation satisfy the Governor in Council that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of Schools' Committee.

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the Schools' Committee, subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parents to cause children to attend school.

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse.

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases:—

(a) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(b) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the Schools' Committee is efficient, or has already completed his primary education;

(c) where there is no recognized primary school within one mile, measured according to the nearest road from the residence of the child.

Issue of attendance order.

9. Where the Schools' Committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the Schools' Committee, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee.

Penalty for employing child liable for compulsory education.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee, and before making any complaint under this section against any person, the Schools' Committee shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

Schools' Committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the Schools' Committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the Corporation may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The Governor in Council may by notification in the Bombay Government Gazette exempt any particular class or community from the operation of this Act.

Withdrawal of notification on default.

16. If in the opinion of the Governor in Council, the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the Governor in Council may by notification in the Bombay Government Gazette cancel any notification which has been issued under section 3.

Fines to be credited to Corporation.

17. All fines levied by any magistrate in respect of any offence against the provisions of this Act shall be credited to the municipal fund.

Rules.

18. (*1*) The Governor in Council may by notification in the Bombay Government Gazette make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the local Government determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the local Government.

Bom. Act III of 1888.

Amendment of section 39 (*1*) of the principal Act.

19. In sub-section (*1*) of section 39 of the principal Act[1]

(*a*) for the word "twelve" the word "sixteen" shall be substituted; and

(*b*) the following words shall be added to the sub-section :—

[Vol. III of this Code.]

Bom. Act III of 1888.

New section 62B of the principal Act.

20. For section 62B of the principal Act[1], the following section shall be substituted, namely :—

[Vol. III of this Code.]

[1] Vol. III of this Code.

BOMBAY ACT No. XVI OF 1920[1].

[THE BOMBAY TOWN PLANNING (SECOND AMENDMENT) ACT, 1920.]

[*13th December, 1920.*]

An Act further to amend the Bombay Town Planning Act, 1915.

WHEREAS it is expedient further to amend the [2]Bombay Town Planning Act, 1915, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. Act I of 1915.

Short title. **1.** This Act may be called the Bombay Town Planning (Second Amendment) Act, 1920.

New section 45A. **2.** After section 45 of the [2]Bombay Town Planning Act, 1915, the following section shall be inserted :— Bom. Act I of 1915.

[*Supra.*]

BOMBAY ACT No. XVII OF 1920[3].

[THE BOMBAY PLEADERS ACT, 1920.]

[*13th December, 1920.*]

An Act to consolidate and amend the Law relating to pleaders in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to pleaders in the presidency of Bombay; and whereas the previous sanction of the Governor General required by section 79, sub-section (*2*), of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows :— 5 & 6 Geo. 5, c 61.

Short title and extent. **1.** (*1*) This Act may be called the Bombay Pleaders Act, 1920.

(*2*) It extends to the whole of the presidency of Bombay except Sind and Aden.

Definitions. **2.** In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "the High Court" means the High Court of Judicature at Bombay;

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 408; for Report of Select Committee, *see ibid*, 1920, Pt. V, p. 752, and for Proceedings in Council, *see ibid*, 1920, Pt. V, pp. 648 and 970.

[2] *Supra.*

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V, p. 402; for Report of Select Committee, *see ibid*, 1920, Pt. V, page 794 (*n*), and for Proceedings in Council, *see ibid*, 1920, Pt. V, pp. 971 and 971.

(*2*) "court subordinate to the High Court" means any court, tribunal, or person whose decree, order, decision or award is, or may hereafter be, subject to the appellate or revisional jurisdiction of the High Court;

(*3*) "pleader" means a pleader admitted under this or any previous Act, and includes an attorney of the High Court appearing, pleading or acting for a client elsewhere than in the City of Bombay, but nothing in sections 3, 4, 5, 6, 11, 12, 13, 24, 25, 27, or 30 shall apply to an attorney of the High Court;

(*4*) "district" means the local limits of the jurisdiction of a principal civil court of original jurisdiction other than the High Court;

(*5*) "the Letters Patent" means the Amended Letters Patent of the High Court of Judicature for the presidency of Bombay, dated the 28th December 1865, subject to any amendments thereto and alterations therein made or hereinafter to be made pursuant to clause 44 thereof or section 106 (1A) of the Government of India Act;

(*6*) "prescribed" means prescribed by rules made under this Act.

Classes of pleaders.

3. Pleaders admitted by the High Court under this Act shall be of two classes, namely, vakils of the High Court and district pleaders.

Sanads.

4. (*1*) The High Court shall issue to every pleader on his admission a sanad in form A or form B in Schedule II, as the case may be, or in such other form as the High Court may prescribe.

(*2*) In the case of the sanad of a district pleader, the name of the district for which the sanad is available shall be specified therein.

Extent and transfer of sanads.

5. (*1*) No district pleader shall hold a sanad in respect of more than one district at the same time.

(*2*) On the application of a district pleader holding a sanad which is available for any one district the High Court may from time to time, by endorsement on such sanad, render the same available for any other district.

(*3*) A pleader holding a sanad in respect of any district may appear, plead and act for a client in any particular civil proceeding in a Court of any other district with the previous written authority of the District Judge in such other district.

Conditions of admission.

6. (*1*) Any person who is duly qualified and is of good moral character and is not in Government service shall be entitled to be admitted as a pleader.

(*2*). The number of pleaders shall not be limited.

(*3*) If a pleader after obtaining a sanad accepts Government service, he shall not be entitled to practise whilst in such service, even if he be on leave.

Where vakils of High Court are entitled to practise.

7. (1) Subject to the provisions of any law for the time being in force and, with respect to the right of vakils of the High Court to practise in the High Court, subject to any rules for the time being in force under clause 10 of the Letters Patent, a vakil of the High Court shall be entitled to practise—

(a) in the High Court;

(b) in any court subordinate to the High Court;

(c) before the tribunal of appeal constituted under the [1]City of Bombay Improvement Act, 1898; Bom. Act I of 1898.

(d) in or before any other court, tribunal or person in or before which or whom vakils of the High Court are or may hereafter be entitled by law to practise; and

(e) before any public officers in any of the following proceedings:—

an investigation held in accordance with the first paragraph of section 73 and on appeal under section 77 of the [2]Bombay Hereditary Offices Act; Bom. Act II of 1874.

proceedings under section 87 of the [2]Bombay Land Revenue Code, 1879; Bom. Act V of 1879.

proceedings before a Tribunal of Arbitration under the Bombay Town Planning Act, 1915; Bom. Act I of 1915.

such proceedings under any enactment in force in the Bombay Presidency as the local Government, by notification in the Bombay Government Gazette may specify.

(2) The provisions of sub-section (1) shall apply, *mutatis mutandis,* to attorneys of the High Court.

Where district pleaders are entitled to practise.

8. Subject to the provisions of any law for the time being in force, a district pleader shall, within the district in respect of which he holds a sanad, be entitled to practise—

(a) in such civil court or courts as the District Judge may from time to time assign to him;

(b) in any criminal court;

(c) in or before any other court, tribunal or person in or before which or whom district pleaders are or may hereafter be entitled by law to practise; and

(d) before any public officer in any of the following proceedings:—

an investigation held in accordance with the first paragraph of section 73 and an appeal under section 77 of the [3]Bombay Hereditary Offices Act; Bom. Act II of 1874.

[1] Vol. IV of this Code.
[2] Vol. II of this Code.
[3] *Supra.*

Bom. Act V of 1879. Bom. Act I of 1915.

proceedings under section 87 of the Bombay Land Revenue Code, 1879;

proceedings before a Tribunal of Arbitration under the [1]Bombay Town Planning Act, 1915;

such proceedings under any enactment in force in the Bombay Presidency as the local Government, by notification in the Bombay Government Gazette, may specify.

Appearance in civil court by unauthorized person forbidden.

9. No person shall appear, plead or act for any party in any civil proceeding in any court unless he is a pleader as defined in this Act and is entitled and duly empowered to appear, plead and act for such party in such proceeding:

Provided that nothing in this section shall apply—

(*a*) to any party appearing, pleading or acting on his own behalf, or appearing or acting by his recognized agent as defined in rule 2, Order III of the [3]Code of Civil Procedure, 1908, or

V of 1908.

(*b*) to any advocate of the High Court.

Cases in which vakalatnama is required.

10. (*1*) Except as otherwise provided in this section, no pleader shall appear, plead or act for a party in any proceeding in any Court until he has obtained from such party and filed in court a vakalatnama in form C in Schedule II, or in such other form as the High Court may prescribe.

(*2*) It shall not be necessary for the following persons to obtain a vakalatnama for the purpose of appearing, pleading and acting in the capacities respectively mentioned hereunder:—

(*a*) a pleader appointed by a court to defend a person accused of a criminal offence, who has not sufficient means to enable him to employ a pleader;

(*b*) a pleader appointed by a court as *amicus curiæ*;

(*c*) a Government pleader;

(*d*) a public prosecutor, or a person permitted or empowered, under section 495 of the [4]Code of Criminal Procedure, 1898, to conduct a prosecution.

V of 1898.

(*3*) Where a pleader has filed a vakalatnama at the original hearing of a proceeding, it shall not be necessary for him to obtain a fresh vakalatnama for the purpose of an application for review of judgment, or of an application under section 144 or section 152 of the [3]Code of Civil Procedure, 1908, or under order XLV in the First Schedule to the said Code, or for the purpose of an appeal under the Letters Patent.

V of 1908.

[1] Vol. II of this Code.
[2] *Supra.*
[3] General Acts, Vol. VI.
[4] General Acts, Vol. V.

(4) When a pleader is prevented for any reason from appearing in any proceeding in which he has been retained, he may appoint another pleader to appear on his behalf and the hearing shall proceed unless the Court see reason to the contrary.

Retaining fee.

11. (*1*) A party engaging a pleader shall pay him a retaining fee of an amount not less than one rupee.

(*2*) Where a party fails so to do, the pleader shall demand such fee and shall not perform any services for such party until the fee has been paid.

(*3*) Every pleader receiving such fee shall give a receipt in writing for the same, specifying the date of receipt.

Pleader not to act for party adverse to his client, and not to refuse to act for his client without the permission of the Court.

12. No pleader after accepting a retaining fee shall without the permission of the Court—

(*a*) appear, plead or act, or agree so to do, on behalf of any other party whose interest in the case is adverse to that of his client, or

(*b*) refuse or omit to appear, plead or act for his client.

Receipt to be given for documents.

13. Every pleader receiving a document of any kind from his client shall—

(*a*) on demand give a receipt in writing for such document at the time when he receives it, and

(*b*) subject to the provisions of section 30 return such document if his client requires the same and gives a receipt in writing therefor.

Pleaders bound to attend on day fixed for proceeding except in certain cases.

14. (*1*) A pleader shall be bound to attend in court on any day which, by notice duly given or in accordance with the practice of the court, is fixed for the hearing of a proceeding in which he is employed.

(*2*) Where a pleader employed in any such proceeding is, from indisposition or any other reasonable cause, unable to attend on such day or at the time when the proceeding is called on, he shall notify the same to the court and thereupon the proceeding shall be stayed for such time as the court may deem reasonable:

Provided that in proceedings in which a party is represented by more than one pleader and one of such pleaders is present, the court may proceed therewith.

(*3*) In any proceeding in which a pleader ceases, temporarily or permanently, to act for his client, because he has accepted Government service, or has been permitted to withdraw from the proceeding, or has been suspended or dismissed, or has died, or for any other reason, the proceeding shall be stayed for such time as the court may deem reasonable.

15. No pleader shall tender, give, retain or consent to retain any gratification for procuring or having procured the employment of himself or of any other pleader in any legal business.

Pleaders not to give or take commission.

16. No pleader shall—

Pleaders not to take instructions except from client or authorized agent, or accept employment through a tout.

(*a*) take instructions in any proceeding except from the party on whose behalf he is retained or from some person who is, within the meaning of the [1]Code of Civil Procedure, 1908, the recognized agent of such party, or from some person authorized by such party to give such instruction, or

V. of 1908.

(*b*) accept any employment in any legal business through a person who has been proclaimed as a tout.

17. Any party employing a pleader may settle with him by private agreement the terms of his engagement and the fee to be paid to him for his professional services.

Fee may be settled by private agreement.

18. (*1*) Where costs are awarded to a party in any proceeding, the amount of the pleader's fee to be taxed in the bill of costs as recoverable by such party, if represented by a pleader, from his adversary, shall be computed in accordance with the rules in Schedule III unless such fee has been settled under the provisions of section 17 for a lesser amount in which case no more than such lesser amount shall be recoverable.

Computation of taxed fee.

(*2*) Nothing contained in sub-section (*1*) of this section or in section 20 shall apply to fees payable to pleaders in the Court of Small Causes of Bombay.

19. (*1*) A pleader shall be entitled to recover from his client the fee, if any, settled under section 17.

Amount payable by client to pleader.

(*2*) Where no fee has been settled under section 17, the pleader shall be entitled to receive from his client a fee computed in accordance with the rules in Schedule III and any further fees which may be allowed on taxation between pleader and client in pursuance of any rules made in this behalf by the High Court.

(*3*) The fee which a pleader is entitled to receive from his client when computed in accordance with the rules in Schedule III, and except when otherwise agreed between the pleader and the client, the fee which a pleader is entitled to receive under sub-section (*1*), is payable in respect of the pleader's services until the final decree or order in the proceeding is passed.

20. (*1*) Where a party has, before the first hearing of a proceeding, engaged more than one pleader, the fees of two pleaders may be taxed in

When fees of two pleaders may be taxed.

the bill of costs in the following cases :—

(*a*) in any original suit of which the amount or value of the subject matter exceeds Rs. 5,000, in any court subordinate to the High Court ;

(*b*) in any contested proceeding under the [1]Indian Succession Act, 1865, the [2]Probate and Administration Act, 1881, or the [3]Land Acquisition Act, 1894, of which the amount or value of the subject matter exceeds Rs. 5,000, in any court subordinate to the High Court ; X of 1865. V of 1881. I of 1894.

(*c*) in any appeal to the High Court from a decree deciding on the merits any suit or any contested proceeding of the kind referred to in clause (*a*) or clause (*b*) ;

(*d*) in any suit of which the amount or value of the subject matter is less than Rs. 5,000, where the court certifies by order in writing that the fees of two pleaders may be taxed :

Provided that nothing in this section shall affect suits or appeals by paupers, or suits or appeals governed by the [4]Dekkhan Agriculturists Relief Act, 1879. Bom. Act XVII of 1879.

(2) Except in the cases specified in this section, a party employing more than one pleader shall not be entitled to recover from his adversary more than one set of pleader's fees.

Cases where there are several parties having the same interest or putting forward the same defence.

21. Where in any proceeding there are several parties having the same interests or putting forward the same defence they shall not, if awarded costs, be allowed more than one set of pleaders' fees on party and party taxation unless the Court otherwise directs.

Taxation of costs in appeals to High Court.

22. In any civil appeal or application to the High Court from the decree or order of a court, subordinate to the High Court, if costs between party and party are awarded by the High Court, such costs shall be taxed by an officer of the High Court and included in the bill of costs attached to the decree or order of that Court in the prescribed manner.

Taxation of costs in mufassal courts.

23. In any court subordinate to the High Court situate elsewhere than in the City of Bombay, the amount of the pleader's fee to be taxed in the bill of costs attached to the decree or order of that Court shall not be in excess of the amount computed in accordance with the rules in Schedule III :

[1] General Acts, Vol. I.
[2] General Acts, Vol. III.
[3] General Acts, Vol. IV.
[4] Vol. I of this Code.

Provided that nothing in this section shall apply to bills of costs framed under the provisions of the [1] Indian Companies Act, 1913.

VII of 1913.

Suspension or removal of pleader by High Court on conviction of criminal offence.

24. The High Court may suspend or remove from practice a pleader who has been convicted by any criminal court in British India of a criminal offence implying a defect in his character which in the opinion of the High Court renders him unfit to be a pleader.

Punishment of pleader by High Court for improper conduct.

25. On the application of the Government Pleader in the High Court, or on a report from a District Court or Court of Session, or from the Chief Judge of the Court of Small Causes of Bombay, or from the Chief Presidency Magistrate for Bombay, or otherwise, the High Court may suspend or remove from practice, or may fine or reprimand, a pleader on reasonable cause.

Powers of District Court or Court of Session in respect of improper conduct of pleader.

26. Where it appears to a District Court or Court of Session or to the Chief Judge of the Court of Small Causes of Bombay, or to the Chief Presidency Magistrate for Bombay, that a pleader has been guilty of neglect of duty or of a violation of any of the provisions of this Act or of any other improper conduct, such court may hold an inquiry regarding such conduct and report the result of such inquiry to the High Court.

Conduct of case in High Court against pleader.

27. (*1*) Where any case under section 24, section 25 or section 26 is heard by the High Court, the Advocate General or such counsel or pleader as may appear for the Crown shall argue the case against the pleader against whom the allegation is made, and such pleader may appear in person or by counsel or pleader.

(*2*) In any such case the High Court may make such order as to costs as it thinks fit.

Legal proceedings against pleaders not affected.

28. Nothing in this Act shall be deemed to preclude any party from taking any legal proceedings in respect of any loss or injury sustained by him in consequence of the act or omission of any pleader engaged by him.

Recovery of taxed fees.

29. A pleader whose bill of cost has been taxed may apply to the Court by which or by whose officer the same has been taxed, for an order against his client for the sum allowed on taxation or such sum as may remain due The Court may make such order or may refer the pleader to a suit.

V of 1908.

Any such order may be executed under order 21 of the [2] Code of Civil Procedure, 1908, as a decree for money.

Lien for taxed fees.

30. In every matter in which costs are due to a pleader by his client which have been or are capable of being taxed the pleader shall as against

[1] General Acts, Vol. VII.

[2] General Acts, Vol. VI.

his client be entitled to a lien for the amount of such costs, as taxed, upon—

(a) all documents come into his possession in the course of his engagement in connection with such matter, and for which he has given a receipt in accordance with the provisions of section 13 (a) and

(b) all movable property recovered or preserved by his exertions in such matter.

Rules.

31. (1) The High Court may make rules consistent with the provisions of this Act—

(a) prescribing the qualifications and mode of admission of pleaders and the fees payable for admission;

(b) prescribing the fees payable in respect of examinations (if any) held for the office of pleader;

(c) regulating, and providing for the recognition of, bar associations and for granting sanction to the rules of such associations;

(d) requiring that a pleader shall be a member of, and submit to the rules of, a bar association;

(e) requiring that a pleader shall be a member of, and subscribe to, the law library attached to the principal Court in which he practices;

(f) providing for the taxation of costs between party and party;

(g) providing for the allowance and taxation of costs between pleader and client whether in litigious or non-litigious business;

(h) prescribing, in lieu of the forms in Schedule II, the form of sanad to be given to pleaders and the form of vakalatnamas;

(i) prescribing, in lieu of or in addition to the rules in Schedule III, the manner in which the pleader's fee shall be computed, and the amount of the pleader's fee, and determining the amount or value of the subject matter in particular classes of cases or in cases generally, for the purpose of calculating the pleader's fee;

(j) prescribing the manner in which costs in appeals or applications to the High Court from decrees or orders of courts subordinate to the High Court shall be taxed, in cases where costs between party and party are awarded by the High Court;

(k) fixing the scale of costs which may be awarded in cases under sub-section (2) of section 27;

(l) generally, to give effect to such provisions of this Act as may require to be provided for by rules.

(2) Where the High Court prescribes any new forms in lieu of the forms in Schedule II, or makes any new rules in lieu of or in addition to the rules in Schedule III, such new forms or rules respectively shall on publication be deemed to be enacted in such Schedule in lieu of or in addition to the forms or rules now therein enacted.

(3) All rules made under this Act shall be published in the Bombay Government Gazette and shall thereupon have effect as if enacted in this Act.

32. Nothing in this Act shall be deemed to limit or otherwise affect the powers conferred upon the High Court by sections 106 and 107 of the Government of India Act, 1915, or by clauses 9 and 10 of the Letters Patent or by any law for the time being in force. **Savings.**

5 and 6, Geo. 5, c. 61.

33. Nothing in this Act regarding the appointment, appearance or remuneration of pleaders or the taxation of costs shall apply in respect of any proceedings pending in any court at the commencement of this Act, and all such proceedings, until their final disposal by the court in which they are pending, shall be governed, in respect of such matters, by the laws and rules in force immediately before the commencement of this Act. **Pending cases.**

34. The enactments mentioned in Schedule I are hereby repealed to the extent specified in the third column thereof. **Repeal.**

SCHEDULE I.

(*See section 34.*)

No. and date of enactment.	Title.	Extent of repeal.
Bombay Regulation II of 1827.	A Regulation for defining the constitution of the Courts of Civil Justice and the Powers and Duties of the Judges and Officers thereof.	So much as has not already been repealed, excepting the part of section 21 which prohibits interference of the civil courts in caste questions.
Act I of 1846	An Act for amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole, excepting section 5.
Act XX of 1853	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section 2.

SCHEDULE II.

FORM A.

Sanad for a Vakil of the High Court.

(Clause 10 of the Amended Letters Patent and section 4 of the Bombay Pleaders Act, 1920.)

IN HIS MAJESTY'S HIGH COURT OF JUDICATURE, APPELLATE SIDE, BOMBAY.

Bombay, 19 .

To

In conformity with the Rules made under the provisions of clause 10 of the Amended Letters Patent constituting the High Court of Judicature at Bombay and published under the date and in conformity with the provisions of the Bombay Pleaders Act, 1920, you are hereby approved, admitted and enrolled as a Vakil of the said High Court and you will not be liable to be removed or suspended from practice, except for reasonable cause.

By order of His Majesty's High Court of Judicature at Bombay,



Deputy Registrar.

Sealer.

The day of 19 .

FORM B.

Sanad for a District Pleader.

(Section 4 of the Bombay Pleaders Act, 1920.)

IN HIS MAJESTY'S HIGH COURT OF JUDICATURE, APPELLATE SIDE, BOMBAY.

Bombay, 19 .

To

In conformity with the provisions of the Bombay Pleaders Act, 1920,

a

s hereby appointed to the office of District Pleader in the district of

You will not be liable to be removed or suspended from practice except for reasonable cause.

By order of His Majesty's High Court
of Judicature at Bombay,



Deputy Registrar.

Sealer.

The ________________ day of ________________ 19 .

FORM C.

Vakulatnama.

(Section 10 of the Bombay Pleaders Act, 1920.)

(In any proceeding, civil or criminal.)

In the court of ________________

(Here specify nature of the proceeding and names of parties or of complainant or accused or prisoner, as the case may be.)

I ________________

the aforesaid Plaintiff, or Appellant, etc., or Defendant or Respondent, or Complainant or Accused, etc. (as the case may be) do hereby appoint Mr. ________________ (name of the Pleader) to appear, plead and act for me as Pleader in the abovementioned proceeding.

Dated this ________________ day of ________________ 19 .

(Signature or mark of the client.)

Accepted.

(Signature of the Pleader.)

SCHEDULE III.

(SEE SECTION 18.)

Rules for computing the pleader's fee.

1.—(*a*) In suits which decide on the merits the real dispute between the parties.

(*b*) in appeals from decrees (including preliminary decrees) other than appeals from execution proceedings, which decide on the merits the real dispute between the parties,

(*c*) in applications or proceedings under the

(*i*) Probate and Administration Act, 1881,

(*ii*) Indian Succession Act, 1865,

(*iii*) Land Acquisition Act, 1894,

the amount of the pleader's fee shall be computed on the amount or value of the subject matter in dispute in the suit, appeal, application or proceeding at the rates specified below:—

If the amount or value of the subject matter in dispute does not exceed Rs. 2,000, at 5 per cent.

If such amount or value exceeds Rs. 2,000 but does not exceed Rs. 5,000, on Rs. 2,000 as above and on the remainder at 3 per cent

If such amount or value exceeds Rs. 5,000 but does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 2 per cent.

If such amount or value exceeds Rs. 10,000 but does not exceed Rs. 20,000, on Rs. 10,000 as above and on the remainder at 1 per cent.

If such amount or value exceeds Rs. 20,000, on Rs. 20,000 as above and on the remainder at ½ per cent.

II.—(*a*) In appeals from orders,

(*b*) in civil applications or proceedings other than applications and proceedings necessary for the progress of a suit or appeal and other than applications, proceedings or appeals falling under rules I, IV and V, and

(*c*) in all other cases not otherwise provided for,

the amount of the pleader's fee to be allowed shall be one-fourth of that payable according to the rates specified in rule I.

III.—The fee prescribed in rules I and II shall be taken to be the remuneration for the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding, is passed.

IV.—In execution proceedings the pleader's fee to be allowed shall be one-fourth of the fee calculated at the rates specified in rule I on the amount or value of the relief or money claimed in the application to execute the decree.

—(*a*) In any reference made to the High Court under section 113 of e of Civil Procedure, 1908,

(*b*) in any application to the High Court under section 115 of the said Code,

(*c*) in any application to the High Court under section 25 of the Provincial Small Causes Courts Act, 1887,

(*d*) in any application for the exercise of the High Court's Extraordinary Jurisdiction in civil matters,

(*e*) in all applications or appeals under

(*i*) the Guardians and Wards Act, 1890,
(*ii*) the Succession Certificate Act, 1889,
(*iii*) the Succession (Property Protection) Act, 1841,
(*iv*) the Indian Trusts Act, 1882.
(*v*) the Provincial Insolvency Act, 1907,
(*vi*) any other special or local Act,

a sum of Rs. 30 shall be allowed as the pleader's fee.

VI.—In no case, whether specifically provided for in this Schedule or otherwise, shall the pleader's fee payable in any civil suit, appeal, application or proceeding be less than

(*a*) Rs. 30 in the High Court,
(*b*) Rs. 15 in the District Court or in the Court of a Subordinate Judge,
(*c*) Rs. 5 in any Court in suits of the nature cognizable by a Court of Small Causes, or in the Court of a Jagirdar or Inamdar exercising jurisdiction under Bombay Regulation XIII of 1830 and Act XV of 1840, or in the Court of a Mamlatdar under the Mamlatdars' Courts Act, 1906.

BOMBAY ACT No. XVIII of 1920.[1]

[The City of Bombay Police (Second Amendment) Act, 1920].

[*13th December, 1920.*]

An Act further to amend the City of Bombay Police Act, 1902.

Bom. Act IV of 1902.

Whereas it is expedient further to amend the [2]City of Bombay Police Act, 1902, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the City of Bombay Police (Second Amendment) Act, 1920.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V., p. 754; and for Proceedings in Council, *see ibid*, 1920, Pt. V, p. 1004.
[2] Vol. IV of this Code.

Amendment of section 6 of Bom. IV of 1902.

2. In sub-section (2) of section 6 of the [1]City of Bombay Police Act, 1902, after the words "Assistant Commissioner" where they occur for the first time, the words "and a Superintendent appointed under section 7 (*1*)" shall be inserted; and after the the words "Assistant Commissioner" where they occur for the second time, the words "or Superintendent" shall be inserted. Bom. Act IV of 1902.

BOMBAY ACT No. XIX OF 1920.[2]

[THE CITY OF BOMBAY MUNICIPAL (SECOND AMENDMENT) ACT, 1920.]

[*13th December, 1920.*]

An Act further to amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the [3]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. Act III of 1888.

Short title.

1. This Act may be called the City of Bombay Municipal (Second Amendment) Act, 1920.

Amendment of section 140 (*c*).

2. In clause (*c*) of section 140 of the [3] City of Bombay Municipal Act, 1888, for the word "twelve" the word "seventeen" shall be substituted. Bom. Act III of 1888.

BOMBAY ACT No. XX OF 1920.[4]

[THE CITY OF BOMBAY MUNICIPAL AND IMPROVEMENT (AMENDMENT), ACT 1920.]

[*13th December, 1920.*]

An Act further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Act, 1898.

WHEREAS there is an extreme shortage of housing accommodation for the working classes in the town and island of Bombay; And whereas it is expedient that Government should as a primary object construct fifty thousand tenements for such classes in the town and island of Bombay and should further as a secondary object carry out certain schemes of improvement and development in the vicinity thereof, namely, in the Bombay Suburban Revenue Division as the same may be constituted on the 1st day of December 1920; And whereas it is intended by Government to raise a loan or loans for

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[1] Vol. IV of this Code.

[2] For Statement of Objects and Reasons *see* Bombay Government Gazette, 1920, Part V, page 660 and for Proceedings in Council, *see ibid*, 1920 Part V, page 1008.

[3] Vol. III of this Code.

[4] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Pt. V., p. 406; for Report of Select Committee, *see ibid*, 1920, Part V, page 754-J. and for Proceedings in Council, *see ibid*, 1920, Pt. V., pages 685 and 1064.

the above purposes; And whereas it is expedient that the municipal corporation of the City of Bombay should carry out divers large and important works; And whereas it is accordingly expedient further to amend the [1]City of Bombay Municipal Act, 1888, and it is also expedient further to amend the [1]City of Bombay Improvement Act, 1898, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. Act III of 1888.

Bom. Act IV of 1898.

1. This Act may be called the City of Bombay Municipal and Improvement (Amendment) Act, 1920.

Short title.

Bom. Act III of 1888.

2. After section 195 of the [1]City of Bombay Municipal Act, 1888, the following sections shall be inserted, namely:—

New sections 195A, 195B, 195C and 195D of Bom. III of 1888.

[Vol. III of this Code.]

Bom. Act IV of 1898.

3. In sub-section (*1*) of section 32G of the [1]City of Bombay Improvement Act, 1898, for the words and figures "of 28 years" the words and figures "not less than 28 years and not more than 50 years as may be agreed upon by the Board and the employer" shall be substituted.

Amendment of section 32G of Bom. IV of 1898.

BOMBAY ACT No. XXI OF 1920[2].

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1920.]

[*13th December, 1920.*]

Bom. Act VI of 1879.

An Act further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the [3]Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1920.

Short title.

Bom. Act VI of 1879.

2 In the proviso to section 21 of the [3]Bombay Port Trust Act, 1879, hereinafter called "the said Act," after the word "labourers", where it occurs for the second time, the following words shall be inserted, namely:—

Amendment of section 21.

[Vol. II of this Code.]

3. (*1*) After clause (*7*) of section 68 of the said Act, the following clause shall be inserted, namely:—

Amendment of section 68.

[Vol. II of this Code.]

(*2*) After the proviso to the said section the following explanation shall be added, namely:—

[Vol. II of this Code.]

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[1] Vol. III of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1920, Part V, page 416; for Report of Select Committee, *see ibid.*, 1920, Part V, page 669; and for Proceedings in Council, *see ibid*, 1920, Part V, pages 701, 751 and 1002.

[3] Vol. II of this Code.

BOMBAY ACT No. I of 1921[1]

[The Deputy President's Salary Act, 1921.]

[*11th June, 1921.*]

An Act to determine the salary of the Deputy President of the Bombay Legislative Council.

Whereas in accordance with sub-section (*5*) of section 72C of the Government of India Act the salary of the Deputy President of the Bombay Legislative Council is to be determined by Act of the said Council; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Deputy President's Salary Act, 1921.

Salary of Deputy President.

2. There shall be paid to the Deputy President of the Bombay Legislative Council, in respect of any period during which he is engaged on work connected with the business of the said Council, a salary calculated at the rate of five hundred rupees a month.

BOMBAY ACT No. II of 1921.[2]

[The Bombay Short Titles Act, 1921.]

[*21st June, 1921.*]

An Act to facilitate the citation of certain Acts in force in the Presidency of Bombay.

Whereas it is expedient to facilitate the citation of certain Acts in force in the Presidency of Bombay; And whereas the previous sanction of the Governor General required by clause (*e*) of sub-section (*3*) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. 5, c. 61.

Short title.

1. This Act may be called the Bombay Short Titles Act, 1921.

Citation of Acts in Schedule.

2. Each of the Acts described in the first three columns of the schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, V, page 11.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Part V, 10.

THE SCHEDULE.

Part I.—Acts of the Governor General in Council.

Year.	No.	Subject.	Short Title.
1	2	3	4
1835	XIX	Empowering appointment of an Assistant to the Agent for the Sardars of the Dekkhan.	The Dekkhan Assistant Agent's Appointment Act, 1835.
1838	XVI	Providing that suits as to tenures should be brought in the Courts of Adalat.	The Bombay Courts of Adalut Act 1838.
1838	XIX	Regulating Coasting Vessels	The Bombay Coasting Vessels Act, 1838.
1839	XX	Empowering the Prohibition of the Levy of Haqqs.	The Bombay Haqqa Prohibition Act, 1839.
1840	XV	Applying Bombay Regulation XIII of 1830 to certain Agents.	The Bombay Regulation XIII of 1830 (Application) Act, 1840.
1844	XIX	Abolishing Town-duties	The Bombay Town-duties Abolition Act, 1844.
1852	XI	Providing for the Adjudication of Titles to Rent-free Estates.	The Bombay Rent-free Estates Act, 1852.
1853	XI	Providing for the Removal of Nuisances below High-water Mark.	The Shore-Nuisances (Bombay and Kolaba) Act, 1853.
1857	IV	Regulating Duties on Tobacco in Bombay City.	The Tobacco Duty (Town of Bombay) Act, 1857.
1857	XXIX	Providing for Land-customs	The Bombay Land-customs Act, 1857.
1864	II	Providing for the Administration of Civil and Criminal Justice at Aden.	The Aden Civil and Criminal Justice Act, 1864.
1866	XXIII	Correcting Errors in the Letters Patent of the High Court, Bombay.	The Bombay High Court (Letters Patent) Act, 1866.
1868	V	Empowering the Delegation of Powers to the Commissioner in Sindh.	The Commissioner in Sindh (Delegation of Powers) Act, 1868.
1872	V	Removing Doubts as to the Jurisdiction of the High Court of Bombay over Sindh.	The High Court's Jurisdiction (Sindh) Act, 1872.
1877	XIV	Relieving from Incumbrances the Estates of Thakurs in Broach and Kaira.	The Broach and Kaira Incumbered Estates Act, 1877.
1888	XII	Supplementing the City of Bombay Municipal Act, 1888	The City of Bombay Municipal (Supplementary) Act, 1888.
1904	XIV	Supplementing the City of Bombay Improvement Act, 1898.	The City of Bombay Improvement (Supplementary) Act, 1904.

Part II.—Acts of the Governor of Bombay in Council.

Year.	No.	Subject.	Short Title.
1	2	3	4
1862	I	Bringing certain Lands ceded by His Highness the Gaikwar of Baroda under the Regulations and Acts in force in the Presidency of Bombay.	The Gaikwar of Baroda Ceded Lands Laws Act, 1862.
1862	IV	Regulating the Establishment of Markets and Fairs.	The Markets and Fairs Act, 1862.
1862	V	Preserving the Bhagdari and Narvadari Tenures.	The Bhagdari and Narvadari Act, 1862.
1862	VI	Ameliorating the Condition of Taluqdars in the Ahmedabad Collectorate.	The Ahmedabad Taluqdars Act, 1862.
1863	I	Providing for the Registry of Vessels plying on the Indus.	The Indus Vessels Act, 1863.
1863	II	Providing for the Adjustment of unsettled Claims to Exemption from Land-revenue in certain Parts of the Presidency of Bombay.	The Exemptions from Land-revenue (No. 1) Act, 1863.
1863	III	Bringing under the Regulations and Acts in force in the Presidency of Bombay Territories in Satara, Sholapur and the Southern Maratha Country.	The Satara, Sholapur and Southern Maratha Country Laws Act, 1863.
1863	V	Conferring powers on the Bombay Gas Company and other Gas Companies.	The Gas Companies Act, 1863.
1863	VII	Providing for the Settlement of Claims to Exemption from Land-revenue in certain Parts of the Presidency of Bombay.	The Exemptions from Land-revenue (No. 2) Act, 1863.
1864	II	Applying certain Provisions of the Merchant Shipping Act to Steam-vessels proceeding from Ports in the Presidency of Bombay.	The Bombay Steam-vessels Act, 1864.
1865	I	Providing for the granting of Leases to Khots.	The Khots Leases Act, 1865.
1865	III	Amending Act XXI of 1848 (for avoiding Wagers).	The Act for Avoiding Wagers (Amendment) Act, 1865.
1865	VII	Extending the Religious Endowments Act, 1863, to Kanara.	The Religious Endowments (Extension to Kanara) Act, 1865.
1866	XII	Declaring the Constitution of the Civil and Criminal Courts of Sindh.	The Sindh Courts Act, 1866.

Part II.—Acts of the Governor of Bombay in Council—contd.

Year.	No.	Subject.	Short Title.
1	2	3	4
1866	XIII	Providing for the Attendance and Examination of witnesses before the Legislative Council, Bombay.	The Legislative Council Witnesses Act, 1866.
1866	XIV	Bringing under the Regulations and Acts in force in the Presidency of Bombay the Parganas of Edulābad and Warangaon.	The Edulabad and Warangaon Parganas Laws Act, 1866.
1867	VI	Providing for the better Sanitary Regulation of the City of Bombay	The Bombay City Sanitary Regulation Act, 1867.
1867	VII	Regulating the District Police in the Presidency of Bombay.	The Bombay District Police Act, 1867.
1868	III	Amending Bombay Act V of 1867	The Bombay Act V of 1867 (Amendment) Act, 1868.
1874	II	Regulating Civil Jails in the Presidency of Bombay.	The Civil Jails Act, 1874.
1875	III	Enabling Government to levy Tolls on Public Roads and Bridges.	The Tolls on Roads and Bridges Act, 1875.
1886	V	Amending the Bombay Hereditary Offices Act, 1874.	The Bombay Hereditary Offices (Amendment) Act, 1886.
1888	II	Amending the Sindh Village-officers Act, 1881.	The Sind Village-officers (Amendment) Act, 1888.
1897	II	Amending the Bombay Boiler Inspection Act, 1891.	The Bombay Boiler Inspection (Amendment) Act, 1897.
1897	III	Amending the Female Infanticide Prevention Act, 1870, as to the Presidency of Bombay.	The Female Infanticide Prevention (Amendment) Act, 1897.
1898	II	Amending the Sindh Village-officers Act, 1881.	The Sind Village-officers (Amendment, Act, 1898.
1898	III	Amending the Bombay District Police Act, 1890.	The Bombay District Police (Amendment) Act, 1898.
1899	I	Amending the Bombay Port Trust Act, 1879.	The Bombay Port Trust (Amendment) Act, 1899.
1900	II	Amending the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Amendment) Act, 1900.
1900	III	Amending the Bombay City Land-revenue Act, 1876.	The Bombay City Land-revenue (Amendment) Act, 1900.
1901	I	Amending the Bombay Salt Act, 1890	The Bombay Salt (Amendment) Act, 1901.

Part II.—Acts of the Governor of Bombay in Council—concld.

Year.	No.	Subject.	Short Title.
1	2	3	4
1903	II	Amending the Bombay Boiler Inspection Act, 1891.	The Bombay Boiler Inspection (Amendment) Act, 1903.
1903	III	Amending the Bombay District Municipal Act, 1901.	The Bombay District Municipal (Amendment) Act, 1903.
1903	V	Amending the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Amendment) Act, 1903.
1904	IV	Amending the Bombay District Municipal Act, 1901.	The Bombay District Municipal (Amendment) Act, 1904.
1905	III	Amending the Bombay Abkari Act, 1878.	The Bombay Abkari (Amendment) Act, 1905.
1909	II	Amending the Karachi Port Trust Act, 1886.	The Karachi Port Trust (Amendment) Act, 1909.
1912	I	Amending the Dekkhan Agriculturists' Relief Act, 1879, and the Bombay Repealing and Amending Act, 1910.	The Dekkhan Agriculturists' Relief (Amendment) Act, 1912.
1912	II	Amending the Societies' Registration Act, 1860.	The Societies' Registration (Amendment) Act, 1912.
1912	IV	Amending the Bombay District Police Act, 1890.	The Bombay District Police (Amendment) Act, 1912.
1912	V	Amending the Bombay Civil Courts Act, 1869.	The Bombay Civil Courts (Amendment) Act, 1912.
1912	X	Amending the Bombay District Municipal Act, 1901.	The Bombay District Municipal (Amendment) Act, 1912.
1912	XI	Amending the Bombay Land-revenue Code, 1879.	The Bombay Land-revenue Code (Amendment) Act, 1912.
1912	XII	Amending the Bombay Abkari Act, 1878.	The Bombay Abkari (Amendment) Act, 1912.
1913	V	Amending the Bombay District Police Act, 1890, and the Bombay City Police Act, 1902.	The Bombay District and City Police (Amendment) Act, 1913.
1913	VI	Amending the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Amendment) Act, 1913.
1914	III	Amending the Bombay Tramways Act, 1874.	The Bombay Tramways (Amendment) Act, 1914.
1914	VI	Amending the Bombay Port Trust Act, 1879.	The Bombay Port Trust (Amendment) Act, 1914.
1918	III	Declaring the Law in force in certain Territory ceded by His Highness the Gaikwar of Baroda.	The Gaikwar of Baroda Ceded Lands Laws Act, 1918.

BOMBAY ACT No. III of 1921.[1]

[The Bombay Land Revenue Code (Amendment) Act, 1921.]

[2nd December, 1921.]

An Act further to amend the Bombay Land Revenue Code, 1879.

Bom. Act V of 1879.

Whereas it is expedient further to amend the [2]Bombay Land Revenue Code, 1879, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1921.

Bom. Act V of 1879.

Amendment of section 61.

2. In section 61 of the [2]Bombay Land Revenue Code, 1879, hereinafter called "the said Code"—

(*a*) for the first paragraph the following paragraph shall be substituted, namely :—

[Vol. II of this Code.]

(*b*) in the second paragraph before the word "occupation" the word "unauthorized" shall be inserted.

Amendment of section 79A.

3. For clause (*a*) of section 79A of the said Code, the following clause shall be substituted, namely :—

[Vol. II of this Code.]

BOMBAY ACT No. IV of 1921.[3]

[The City of Bombay Municipal (Amendment) Act, 1921.]

[2nd December, 1921.]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. III Act of 1888.

Whereas it is expedient further to amend the [4]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by clause (*f*) of sub-section (*3*) of

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Part V, page 2; and for Report of Select Committee, *see ibid*, 1921, Part V, page 26.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Part V, page 5; and for Report of Select Committee, *see ibid*, 1921, Part V, page 29.

[4] Vol. III of this Code.

section 80A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :— 5 & 6 Geo. 5, c. 61.

Short title. **1.** This Act may be called the City of Bombay Municipal (Amendment) Act, 1921.

New sections 418, 419 and 420. **2.** For sections 418, 419 and 420 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following sections shall be substituted, namely :—

[Vol. III of this Code.]

New clause 461 (*o*). **3.** For clause (*o*) of section 461 of the said Act the following clause shall be inserted, namely :—

[Vol. III of this Code.]

Amendment of section 471. **4.** In the table to section 471 of the said Act, after the entry relating to section 412A the following entries shall be inserted, namely :—

[Vol. III of this Code.]

BOMBAY ACT No. V OF 1921.[1]

[THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1921.]

[*8th December, 1921.*]

An Act further to amend the City of Bombay Police Act, 1902.

WHEREAS it is expedient further to amend the [2]City of Bombay Police Act, 1902, in manner hereinafter appearing ; It is hereby enacted as follows :— Bom. Act IV of 1902.

Short title. **1.** This Act may be called the City of Bombay Police (Amendment) Act, 1921.

Amendment of section 40 of Bom. IV of 1902. **2.** In sub-section (*1*) of section 40 of the [2]City of Bombay Police Act, 1902, after the word "any", where it occurs for the first time, the words "Magistrate or" shall be inserted. Bom. Act IV of 1902.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Part V, page 51.

[2] Vol. IV of this Code.

BOMBAY ACT No. VI OF 1921.[1]

[THE PRINCE OF WALES MUSEUM (AMENDMENT) ACT, 1921.]

[*28th December, 1921.*]

An Act further to amend the Prince of Wales Museum Act, 1909.

Bom. Act III of 1909.

WHEREAS it is expedient further to amend the [2]Prince of Wales Museum Act, 1909, in manner hereinafter appearing; and

5 & 6 Geo. 5, c. 61.

WHEREAS the previous sanction of the Governor General has, as required by clauses (*e*) and (*h*) of sub-section (*3*, of section 80A of the Government of India Act, been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Prince of Wales Museum (Amendment) Act, 1921.

Bom. Act III of 1909.

Amendment of section 3 of Bom. Act III of 1909.

2. In sub section (*1*) of section 3 of the Prince of Wales Museum Act, 1909, hereinafter called "the said Act",

(*a*) for the words "hold and acquire property" the words "acquire and hold immoveable or moveable property, to let on hire, lease or mortgage any immoveable property vesting in them" shall be substituted, and

(*b*) the following proviso shall be added, namely:—

[*Supra.*]

New sections 6 to 17.

3. After section 5 of the said Act the following sections shall be added, namely:—

[*Supra.*]

BOMBAY ACT No. VII OF 1921[3].

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1921]

[*18th January, 1922.*]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. Act III of 1888.

WHEREAS it is expedient further to amend the [4]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Pt. V, page 48 and for Report of Select Committee, *see ibid* 1921, Pt. V, page 58.

[2] *Supra.*

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette 1921, Part V, page 34 and for Report of Select Committee, *see ibid,* 1921, Part V, page 68

[4] Vol. III of this Code.

of the Governor General required by clause (*h*) of sub-section (*3*) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. 5, c. 61.

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1921.

Amendment of section 68.

2. In sub-section (*2*) of section 68 of the [1]City of Bombay Municipal Act, 1888, hereinafter called "the said Act"—

Bom. Act III of 1888.

(*a*) the entry "Section 214, sub-sections (*2*) and (*3*)" shall be deleted;

(*b*) after the entry "Section 326, sub-sections (*2*) and (*3*)" the entries

"Section 328.

Section 328A."

shall be inserted.

Amendment of section 111.

3. To section 111 of the said Act, the following proviso shall be added, namely:—

[Vol. III of this Code.]

Amendment of Section 139.

4. In section 139 of the said Act, the brackets, figure and words "(3) a toll on vehicles entering the city from Salsette;" shall be repealed.

Repeal of sections 190 and 191.

5. The heading "*Toll on Vehicles entering the City from Salsette*" and sections 190 and 191 of the said Act shall be repealed.

Amendment of section 199.

6. In section 199 of the said Act, the words "Tolls on vehicles entering the City from Salsette and" shall be repealed.

Amendment of section 213

7. In section 213 of the said Act,—

(*a*) in sub-section (*1*) the words "Tolls on vehicles entering the city from Salsette and" shall be repealed;

(*b*) in sub-section (*2*) the words "The said tolls and" shall be repealed.

Repeal of section 214.

8. Section 214 of the said Act shall be repealed.

Amendment of section 301.

9. In section 301 of the said Act,—

(*a*) in sub-section (*3*) after the words "and the" the words "price to be paid to the corporation by the said owner for such additional land and the other" shall be inserted; and

(*b*) in sub-section (*4*) for the words "any of the" the words "the price fixed to be paid to the corporation or any of the other" shall be substituted.

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[1] Vol. III of this Code.

10. For section 328 of the said Act and the heading thereto, the following heading and sections shall be substituted, namely :— New sections 328 and 328A.

[Vol. III of this Code.]

11. In the table appended to section 471 of the said Act, for the entry relating to section 328, the following entries shall be substituted, namely :— Amendment of section 471.

[Vol. III of this Code.]

12. In the table appended to section 472 of the said Act, below the entry relating to section 326, the following entries shall be inserted, namely : — Amendment of section 472.

[Vol. III of this Code.]

13. In sub-section (*2*) of section 489 of the said Act, after the entry "Section 327, sub-section (*1*), clause (*a*)," the following entries shall be inserted, namely :— Amendment of section 489.

[Vol. III of this Code.]

14. For Schedule G to the said Act the following shall be substituted, namely :— New Schedule G.

[Vol. III of this Code.]

15. In Part IV of Schedule M to the said Act— Amendment of Schedule M.

(*a*) after the entry "Keeping of eating-houses" the entry "Keeping of hair dressing saloons or barbers' shops" shall be inserted;

(*b*) after the entry "Ærated waters" in the list of articles, the entry "Bidis (indigenous cigarettes)" shall be inserted.

16. The amendments contained in clause (*a*) of section 2 and in sections 4 to 8 of this Act shall have effect from the 1st day of April one thousand nine hundred and twenty. Certain amendments to take effect from what date.

BOMBAY ACT No. I OF 1922.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1922.]

[*22nd April, 1922.*]

An Act further to amend the Court-fees Act, 1870.

WHEREAS it is expedient further to amend the[2] Court-fees Act, 1870 in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows :— VII of 1870.

1. (*1*) This Act may be called the Court-fees (Bombay Amendment) Act, 1922. Short title, extent, commencement and duration.

(*2*) It extends to the whole of the Presidency of Bombay.

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[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1922, Part V, page 31, and for Report of Select Committee, see *ibid*, 1922, Part V, page 44.

[2] General Acts, Vol. II.

(3) It shall come into force on the 1st day of April 1922 and shall remain in operation for two years thereafter.

Amendment of section 7 of Act VII of 1870.

2. In section 7 of the [1] Court-fees Act, 1870, hereinafter called "the said VII of 1870. Act"—

(a) to clause (d) of paragraph *iv* the words "or other consequential relief" shall be added,

(b) after the word "appeal" in paragraph *iv* the words "with a minimum fee of rupees fifteen in each case" shall be inserted, and

(c) in clauses (1), (2) and (3) of the proviso to paragraph *v* for the words "five", "ten" and "ten" the words "ten", "twenty" and "twenty" shall, respectively, be substituted.

Amendment of Schedule I to Act VII of 1870.

3. For articles 1, 6, 7, 8, 11, 12 and 12-A of, and the Table of rates of *ad valorem* fees in Schedule I to the said Act the following shall be substituted, namely:—

"SCHEDULE I.

Ad Valorem Fees.

Number.	——	Proper fee.
1. Plaint, written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Six annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Six annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees.	Twelve annas.
	When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof, in excess of five hundred rupees, up to one thousand rupees.	One rupee and two annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Seven rupees and eight annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees.

[1] General Acts, Vol. II.

SCHEDULE I—*contd.*

Number.	——	Proper fee.
1. Plaint, etc.—*contd.*	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty rupees
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees up to fifty thousand rupees.	Thirty rupees.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees : Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be six thousand rupees.	Thirty rupees.
6. Copy or translation of a judgment or order not being, or having the force of a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(*a*) If the amount or value of the subject-matter is fifty or less than fifty rupees.	Eight annas.
	(*b*) If such amount or value exceeds fifty rupees.	One rupee.
	When such judgment or order is passed by a High Court.	Two rupees.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court—	
	(*a*) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	One rupee.
	(*b*) If such amount or value exceeds fifty rupees.	Two rupees.
	When such decree or order is made by a High Court.	Four rupees.

SCHEDULE I—*contd.*

Number.	——	Proper fee.
8. Copy of any document liable to stamp-duty under the [1] Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*) When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b*) In any other case. . . .	One rupee.
11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to five thousand rupees.	Two per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five thousand rupees, on the part of the amount or value in excess of five thousand rupees, up to ten thousand rupees.	Two and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.	Three per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Three and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to one lakh and fifty thousand rupees.	Four per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh and fifty thousand rupees, on the part of the amount or value in excess of one lakh and fifty thousand rupees, up to two lakhs of rupees.	Four and a half per centum.

II of 1899.

[1] General Acts, Vol. V.

SCHEDULE I—*contd.*

Number.	——	Proper fee.
11. Probate, etc.—*contd.*	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.	Five per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.	Five and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.	Six per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees.	Six and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees :	Seven per centum.
VII of 1889.	Provided that when, after the grant of a certificate under the [1] Succession Certificate Act, 1889, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	......

[1] General Acts, Vol. IV.

SCHEDULE I—*contd.*

Number.	——	Proper fee.	
12. Certificate under the Succession Certificate Act, 1889.[1]	......	The fee leviable in the case of a probate (article 11) on the amount or value of any debt or security specified in the certificate under section 8 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.	VII of 1889.
		Note.—(1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.	
		(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.	
12A. Certificate under Bombay Regulation VIII of 1827.	......	The fee leviable in the case of a probate (article 11) on the amount or value of the property in respect of which the certificate is granted.	

[1] General Acts, Vol. IV.

Table of rates of ad valorem *fees leviable on the institution of suits.*

When the amount or value of the subject-matter exceeds—	But does not exceed —	Proper fee.	
Rs.	Rs.	Rs.	A.
...	5	0	6
5	10	0	12
10	15	1	2
15	20	1	8
20	25	1	14
25	30	2	4
30	35	2	10
35	40	3	0
40	45	3	6
45	50	3	12
50	55	4	2
55	60	4	8
60	65	4	14
65	70	5	4
70	75	5	10
75	80	6	0
80	85	6	6
85	90	6	12
90	95	7	2
95	100	7	8
100	110	8	4
110	120	9	0
120	130	9	12
130	140	10	8
140	150	11	4
150	160	12	0
160	170	12	12
170	180	13	8
180	190	14	4
190	200	15	0
200	210	15	12
210	220	16	8
220	230	17	4
230	240	18	0
240	250	18	12
250	260	19	8
260	270	20	4
270	280	21	0
280	290	21	12
290	300	22	8
300	310	23	4
310	320	24	0
320	330	24	12
330	340	25	8
340	350	26	4
350	360	27	0
360	370	27	12
370	380	28	8
380	390	29	4
390	400	30	0
400	410	30	12
410	420	31	8
420	430	32	4
430	440	33	0
440	450	33	12
450	460	34	8
460	470	35	4
470	480	36	0
480	490	36	12
490	500	37	8
500	510	38	10
510	520	39	12
520	530	40	14
530	540	42	0
540	550	43	2
550	560	44	4
560	570	45	6
570	580	46	8
580	590	47	10
590	600	48	12
600	610	49	14
610	620	51	0
620	630	52	2
630	640	53	4
640	650	54	6
650	660	55	8
660	670	56	10
670	680	57	12
680	690	58	14
690	700	60	0
700	710	61	2
710	720	62	4
720	730	63	6
730	740	64	8
740	750	65	10
750	760	66	12
760	770	67	14
770	780	69	0
780	790	70	2
790	800	71	4
800	810	72	6
810	820	73	8
820	830	74	10
830	840	75	12
840	850	76	14
850	860	78	0
860	870	79	2
870	880	80	4
880	890	81	6
890	900	82	8
900	910	83	10
910	920	84	12

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	A.
920	930	85	14
930	940	87	0
940	950	88	2
950	960	89	4
960	970	90	6
970	980	91	8
980	990	92	10
990	1,000	93	12
1,000	1,100	101	4
1,100	1,200	108	12
1,200	1,300	116	4
1,300	1,400	123	12
1,400	1,500	131	4
1,500	1,600	138	12
1,600	1,700	146	4
1,700	1,800	153	12
1,800	1,900	161	4
1,900	2,000	168	12
2,000	2,100	176	4
2,100	2,200	183	12
2,200	2,300	191	4
2,300	2,400	198	12
2,400	2,500	206	4
2,500	2,600	213	12
2,600	2,700	221	4
2,700	2,800	228	12
2,800	2,900	236	4
2,900	3,000	243	12
3,000	3,100	251	4
3,100	3,200	258	12
3,200	3,300	266	4
3,300	3,400	273	12
3,400	3,500	281	4
3,500	3,600	288	12
3,600	3,700	296	4
3,700	3,800	303	12
3,800	3,900	311	4
3,900	4,000	318	12
4,000	4,100	326	4
4,100	4,200	333	12
4,200	4,300	341	4
4,300	4,400	348	12
4,400	4,500	356	4
4,500	4,600	363	12
4,600	4,700	371	4
4,700	4,800	378	12
4,800	4,900	386	4
4,900	5,000	393	12
5,000	5,250	408	12
5,250	5,500	423	12
5,500	5,750	438	12
5,750	6,000	453	12
6,000	6,250	468	12
6,250	6,500	483	12
6,500	6,750	498	12
6,750	7,000	513	12
7,000	7,250	528	12
7,250	7,500	543	12
7,500	7,750	558	12
7,750	8,000	573	12
8,000	8,250	588	12
8,250	8,500	603	12
8,500	8,750	618	12
8,750	9,000	633	12
9,000	9,250	648	12
9,250	9,500	663	12
9,500	9,750	678	12
9,750	10,000	693	12
10,000	10,500	716	4
10,500	11,000	738	12
11,000	11,500	761	4
11,500	12,000	783	12
12,000	12,500	806	4
12,500	13,000	828	12
13,000	13,500	851	4
13,500	14,000	873	12
14,000	14,500	896	4
14,500	15,000	918	12
15,000	15,500	941	4
15,500	16,000	963	12
16,000	16,500	986	4
16,500	17,000	1,008	12
17,000	17,500	1,031	4
17,500	18,000	1,053	12
18,000	18,500	1,076	4
18,500	19,000	1,098	12
19,000	19,500	1,121	4
19,500	20,000	1,143	12
20,000	21,000	1,173	12
21,000	22,000	1,203	12
22,000	23,000	1,233	12
23,000	24,000	1,263	12
24,000	25,000	1,293	12
25,000	26,000	1,323	12
26,000	27,000	1,353	12
27,000	28,000	1,383	12
28,000	29,000	1,413	12
29,000	30,000	1,443	12
30,000	32,000	1,473	12
32,000	34,000	1,503	12
34,000	36,000	1,533	12
36,000	38,000	1,563	12
38,000	40,000	1,593	12
40,000	42,000	1,623	12
42,000	44,000	1,653	12
44,000	46,000	1,683	12
46,000	48,000	1,713	12
48,000	50,000	1,743	12

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.		When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	A.	Rs.	Rs.	Rs.	A.
50,000	55,000	1,773	12	3,20,000	3,25,000	3,393	12
55,000	60,000	1,803	12	3,25,000	3,30,000	3,423	12
60,000	65,000	1,833	12	3,30,000	3,35,000	3,453	12
65,000	70,000	1,863	12	3,35,000	3,40,000	3,483	12
70,000	75,000	1,893	12	3,40,000	3,45,000	3,513	12
75,000	80,000	1,923	12	3,45,000	3,50,000	3,543	12
80,000	85,000	1,953	12	3,50,000	3,55,000	3,573	12
85,000	90,000	1,983	12	3,55,000	3,60,000	3,603	12
90,000	95,000	2,013	12	3,60,000	3,65,000	3,633	12
95,000	1,00,000	2,043	12	3,65,000	3,70,000	3,663	12
1,00,000	1,05,000	2,073	12	3,70,000	3,75,000	3,693	12
1,05,000	1,10,000	2,103	12	3,75,000	3,80,000	3,723	12
1,10,000	1,15,000	2,133	12	3,80,000	3,85,000	3,753	12
1,15,000	1,20,000	2,163	12	3,85,000	3,90,000	3,783	12
1,20,000	1,25,000	2,193	12	3,90,000	3,95,000	3,813	12
1,25,000	1,30,000	2,223	12	3,95,000	4,00,000	3,843	12
1,30,000	1,35,000	2,253	12	4,00,000	4,05,000	3,873	12
1,35,000	1,40,000	2,283	12	4,05,000	4,10,000	3,903	12
1,40,000	1,45,000	2,313	12	4,10,000	4,15,000	3,933	12
1,45,000	1,50,000	2,343	12	4,15,000	4,20,000	3,963	12
1,50,000	1,55,000	2,373	12	4,20,000	4,25,000	3,993	12
1,55,000	1,60,000	2,403	12	4,25,000	4,30,000	4,023	12
1,60,000	1,65,000	2,433	12	4,30,000	4,35,000	4,053	12
1,65,000	1,70,000	2,463	12	4,35,000	4,40,000	4,083	12
1,70,000	1,75,000	2,493	12	4,40,000	4,45,000	4,113	12
1,75,000	1,80,000	2,523	12	4,45,000	4,50,000	4,143	12
1,80,000	1,85,000	2,553	12	4,50,000	4,55,000	4,173	12
1,85,000	1,90,000	2,583	12	4,55,000	4,60,000	4,203	12
1,90,000	1,95,000	2,613	12	4,60,000	4,65,000	4,233	12
1,95,000	2,00,000	2,643	12	4,65,000	4,70,000	4,263	12
2,00,000	2,05,000	2,673	12	4,70,000	4,75,000	4,293	12
2,05,000	2,10,000	2,703	12	4,75,000	4,80,000	4,323	12
2,10,000	2,15,000	2,733	12	4,80,000	4,85,000	4,353	12
2,15,000	2,20,000	2,763	12	4,85,000	4,90,000	4,383	12
2,20,000	2,25,000	2,793	12	4,90,000	4,95,000	4,413	12
2,25,000	2,30,000	2,823	12	4,95,000	5,00,000	4,443	12
2,30,000	2,35,000	2,853	12	5,00,000	5,05,000	4,473	12
2,35,000	2,40,000	2,883	12	5,05,000	5,10,000	4,503	12
2,40,000	2,45,000	2,013	12	5,10,000	5,15,000	4,533	12
2,45,000	2,50,000	2,943	12	5,15,000	5,20,000	4,563	12
2,50,000	2,55,000	2,973	12	5,20,000	5,25,000	4,593	12
2,55,000	2,60,000	3,003	12	5,25,000	5,30,000	4,623	12
2,60,000	2,65,000	3,083	12	5,30,000	5,35,000	4,653	12
2,65,000	2,70,000	3,063	12	5,35,000	5,40,000	4,683	12
2,70,000	2,75,000	3,093	12	5,40,000	5,45,000	4,713	12
2,75,000	2,80,000	3,123	12	5,45,000	5,50,000	4,743	12
2,80,000	2,85,000	3,153	12	5,50,000	5,55,000	4,773	12
2,85,000	2,90,000	3,183	12	5,55,000	5,60,000	4,803	12
2,90,000	2,95,000	3,213	12	5,60,000	5,65,000	4,853	12
2,95,000	3,00,000	3,243	12	5,65,000	5,70,000	4,863	12
3,00,000	3,05,000	3,273	12	5,70,000	5,75,000	4,893	12
3,05,000	3,10,000	3,303	12	5,75,000	5,80,000	4,923	12
3,10,000	3,15,000	3,333	12	5,80,000	5,85,000	4,953	12
3,15,000	3,20,000	3,363	12	5,85,000	5,90,000	4,983	12

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.		When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	A.	Rs.	Rs.	Rs.	A.
5,90,000	5,95,000	5,013	12	6,75,000	6,80,000	5,523	12
5,95,000	6,00,000	5,043	12	6,80,000	6,85,000	5,553	12
6,00,000	6,05,000	5,073	12	6,85,000	6,90,000	5,583	12
6,05,000	6,10,000	5,103	12	6,90,000	6,95,000	5,613	12
6,10,000	6,15,000	5,133	12	6,95,000	7,00,000	5,643	12
6,15,000	6,20,000	5,163	12	7,00,000	7,05,000	5,673	12
6,20,000	6,25,000	5,193	12	7,05,000	7,10,000	5,703	12
6,25,000	6,30,000	5,223	12	7,10,000	7,15,000	5,733	12
6,30,000	6,35,000	5,253	12	7,15,000	7,20,000	5,763	12
6,35,000	6,40,000	5,283	12	7,20,000	7,25,000	5,793	12
6,40,000	6,45,000	5,313	12	7,25,000	7,30,000	5,823	12
6,45,000	6,50,000	5,343	12	7,30,000	7,35,000	5,853	12
6,50,000	6,55,000	5,373	12	7,35,000	7,40,000	5,883	12
6,55,000	6,60,000	5,403	12	7,40,000	7,45,000	5,913	12
6,60,000	6,65,000	5,433	12	7,45,000	7,50,000	5,943	12
6,65,000	6,70,000	5,463	12	7,50,000	7,55,000	5,973	12
6,70,000	6,75,000	5,493	12	7,55,000	...	6,000	0"

Amendment of Schedule II to VII of 1870.

4. For articles 1, 1A, 6, 7, 10, 12, 14, 17, 18, [illegible], 20 and 21 of Schedule II to the said Act the following shall be substituted, namely :—

"SCHEDULE II

Fixed Fees.

Number.	—	Proper fee.
1. Application or petition.	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings : or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement : or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement :	Two annas.

SCHEDULE II—*contd.*

Number.		Proper fee.
IX of 1887.	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the Provincial Small Causes Courts Act, 1887,[1] or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees: or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	
V of 1898.	(*b*) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, 1898,[2] arrest without warrant, and presented to any Criminal Court: or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue-officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act: or to deposit in Court revenue or rent: or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	Eight annas.
	(*c*) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act.	Two rupees.
	(*d*) When presented to a High Court.	Four rupees.

[1] General Acts, Vol. IV.
[2] General Acts, Vol. V.

SCHEDULE II—*contd.*

Number.	——	Proper fee.	
1A. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	One rupee in addition to any fee levied on the application under clause (*a*), clause (*b*) or clause (*d*) of article 1 of this Schedule.	
6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898,[1] or the Code of Civil Procedure, 1908,[2] and not otherwise provided for by this Act.	......	One rupee.	V of 1898. V of 1908.
7. Undertaking under section 49 of the Indian Divorce Act, 1869.[3]	......	One rupee.	IV of 1869.
10. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case—		
	(*a*) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clause (*b*) of this number.	One rupee.	
	(*b*) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority.	Two rupees.	
	(*c*) to a High Court or Chief Commissioner, Board of Revenue or other Chief Controlling Executive or Revenue Authority.	Three rupees.	
12. Caveat . .	......	Ten rupees.	
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.[4]	......	Ten rupees.	XXI of 1866.

[1] General Acts, Vol. V.
[2] General Acts, Vol. VI.
[3] General Acts, Vol. II.
[4] General Acts, Vol. I.

SCHEDULE II—*contd.*

	Number.	—	Proper fee.
	17. Plaint or memorandum of appeal in each of the following suits :—	......	Fifteen rupees
	(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court ;	......	......
	(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates; and	......	......
	(iii) to obtain a declaratory decree or order, where no consequential relief is prayed ;	......	......
	(iv) to set aside alienation ;	......	......
	(v) to set aside a decree or award,	......	......
	(vi) to set aside an adoption, and	......	......
	(vii) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	......	......
	18. Application—	......	Ten rupees.
V of 1908.	(*a*) under paragraph 17 of the Second Schedule to the Code of Civil Procedure, 1908,[1]	......	....
X of 1865. V of 1881. VII of 1889.	(*b*) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1865,[2] or the Probate and Administration Act, 1881,[3] (*c*) for a certificate under the Succession Certificate Act, 1889,[4] or Bombay Regulation VIII of 1827.	When the amount or value of the estate does not exceed two thousand rupees.	Two rupees.
		When it exceeds two thousand rupees, but does not exceed five thousand rupees.	Five rupees.
		When it exceeds five thousand rupees.	Ten rupees.

[1] General Acts, Vol. VI.

[2] General Acts, Vol. I.

[3] General Acts, Vol. III.

[4] General Acts, Vol. IV.

SCHEDULE II—*contd.*

Number.		Proper fee.	
(d) for the appointment of a guardian of a minor, for declaring a person to be such a guardian, or for the removal of a guardian under the Guardians and Wards Act, 1890,[1] except where the applicant is the Collector.	......	Ten rupees.	VIII of 1890.
(e) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees, under sections 34, 72, 73 or 74 of the Indian Trusts Act, 1882,[2]	......	Ten rupees.	II of 1882.
(f) for the winding up of a company, under section 166 of the Indian Companies Act, 1913.[3]	......	Ten rupees.	VII of 1913.
(g) under rule 58 of Order XXI of the Code of Civil Procedure, 1908,[4] regarding a claim to attached property.	When the amount or value of the property exceeds five hundred rupees.	Ten rupees.	V of 1908.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.[4]	......	Twenty rupees.	V of 1908.
20. Every petition under the Indian Divorce Act, 1869,[5] except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.	......	Thirty rupees.	IV of 1869.
21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865.[6]	......	Thirty rupees. "	XV of 1865.

[1] General Acts, Vol. IV.
[2] General Acts, Vol. III.
[3] General Acts, Vol. VII.
[4] General Acts, Vol. VI.
[5] General Acts, Vol. II.
[6] General Acts, Vol. I.

BOMBAY ACT No. II OF 1922[1].

THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1922.

[22nd April, 1922.]

An Act further to amend the Indian Stamp Act, 1899.

I of 1899. WHEREAS it is expedient further to amend the [2] Indian Stamp Act, 1899, in its application to the Presidency of Bombay; And whereas the previous sanction of the Governor General required by clauses (a) and (f) of sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. 5, c. 61

Short title, extent, commencement and duration.

1. (i) This Act may be called the Indian Stamp (Bombay Amendment) Act, 1922.

(ii) It extends to the whole of the Presidency of Bombay.

(iii) It shall come into force on the 1st day of April 1922 and shall be in force for four years thereafter.

Amendment of sections 11, 32, 35, 40, 41, 69 and 74 of II of 1899.

2. In clause (a) of section 11, proviso (c) to section 32, proviso (a) to section 35, sub-section (1) of section 40, section 41, clause (b) of section 69 and the proviso to section 74 of the Indian Stamp Act, 1899,[2] hereinafter called "the said Act", before the words "one anna" the words "two annas" shall be inserted.

II of 1899.

New section 19A of II of 1899.

3. After section 19 of the said Act, the following new section shall be inserted, namely:—

Payment of duty on certain instruments liable to increased duty on in Bombay Presidency.

"19A. Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in the Presidency of Bombay is executed out of the said Presidency and subsequently received in the said Presidency—

(a) the amount of duty chargeable on such instrument shall be the amount of duty chargeable under Schedule I on a document of the like description executed in the Presidency of Bombay less the amount of duty, if any, already paid on it in British India,

(b) and in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (a) of this section, in the same manner

[1]For Statement of Objects and Reasons, see Bombay Government Gazette, 1922, Part V, p 19, and for Report of Select Committee, see ibid, 1922, Part V, p. 62.

[2]General Acts, Vol. V.

and at the same time and by the same persons as though such instrument were an instrument received in British India for the first time at the time when it became chargeable with the higher duty, and

(c) the provisions contained in clause (b) of the proviso to sub-section (3) of section 32 shall apply to such instrument as if such were an instrument executed or first executed out of British India and first received in British India when it became chargeable to the higher duty aforesaid, but the provisions contained in clause (a) of the said proviso shall not apply thereto."

Amendment of Schedule I of II of 1890.

4. In Schedule I to the said Act—

(a) in column 1 of article 12 clauses (a) and (b) shall be repealed;

(b) for the entries in column 2 of the said Schedule relating to articles 2 (b), 3, 4, 5, 8 (b), 9, 12, 14, 15, 18, 20, 22, 23, 24, 25 (b), 26 (b), 29, 30 (b), 39, 40 (c), 41, 42, 43, 44, 46, 48, 50, 51, 54 (a), 55 (b), 57 (b), 62 (c) (ii) and 65 and shown in column 2 of the Schedule to this Act the entries shown in column 3 of the latter Schedule shall be substituted; and

(c) for articles 7 and 10 the following shall, respectively, be substituted, namely:—

"7. APPOINTMENT IN EXECUTION OF A POWER, where made by any writing not being a will—

(a) of trustees	Fifteen rupees.
(b) of property, moveable or immoveable . .	Thirty rupees.

10. ARTICLES OF ASSOCIATION OF A COMPANY—

(a) where the company has no share capital or the nominal share capital does not exceed Rs. 2,500;	Twenty-five rupees
(b) where the nominal share capital exceeds Rs. 2,500 but does not exceed Rs. 1,00,000:	Fifty rupees.
(c) where the nominal share capital exceeds Rs. 1,00,000.	One hundred rupees.

Exemption.

Articles of any Association not formed for profit and registered under section 25 of the Indian Companies Act, 1913.[1] VII of 1913.

See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No 39)."

[1] General Acts, Vol. VII.

SCHEDULE.

(See Section 3.)

1	2	3
2. ADMINISTRATION-BOND— (*b*) in any other case	Five rupees	Ten rupees.
3. ADOPTION-DEED	Ten rupees	Twenty rupees.
4. AFFIDAVIT	One rupee	Two rupees.
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—		
(*a*) if relating to the sale of a bill of exchange.	Two annas	Four annas.
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate.	Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the security or share.	Subject to a maximum of twenty rupees, two annas for every Rs. 10,000 or part thereof of the value of the security or share.
(*c*) if not otherwise provided for.	Eight annas	One rupee.
8. APPRAISEMENT, ETC — (*b*) in any other case	Five rupees	Ten rupees.
9. APPRENTICESHIP-DEED	Five rupees	Ten rupees.
12. AWARD	The same duty as a Bond (No. 15) for such amount. Five rupees	The same duty as a Bond (No. 15) for the amount or value of the property to which the award relates as set forth in such award subject to a maximum of twenty rupees.
14. BILL OF LADING	Four annas *N.B.*—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.	Eight annas. *N.B.*—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
15. BOND—		
where it exceeds Rs. 200 and does not exceed Rs. 300.	One rupee eight annas.	Two rupees four annas.
where it exceeds Rs. 300 and does not exceed Rs. 400.	Two rupees	Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500.	Two rupees eight annas.	Three rupees twelve annas.
where it exceeds Rs. 500 and does not exceed Rs. 600.	Three rupees	Four rupees eight annas.
where it exceeds Rs. 600 and does not exceed Rs. 700.	Three rupees eight annas.	Five rupees four annas.

SCHEDULE—*contd.*

1	2	3
15. BOND—*contd.*		
where it exceeds Rs. 700 and does not exceed Rs. 800.	Four rupees . .	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900.	Four rupees eight annas.	Six rupees twelve annas.
where it exceeds Rs. 900 and does not exceed Rs. 1,000.	Five rupees . .	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Two rupees eight annas.	Three rupees twelve annas.
18. CERTIFICATE OF SALE—		
(*a*) where the purchase-money does not exceed Rs. 10	Two annas . .	Four annas.
(*b*) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25	Four annas . .	Eight annas.
(*c*) in any other case . .	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
20. CHARTER-PARTY . . .	One rupee . .	Two rupees.
22. COMPOSITION-DEED . . .	Ten rupees . .	Twenty rupees.
23. CONVEYANCE—		
where it exceeds Rs. 200 but does not exceed Rs. 300	Three rupees . .	Four rupees eight annas.
where it exceeds Rs. 300 but does not exceed Rs. 400.	Four rupees . .	Six rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500.	Five rupees . .	Seven rupees eight annas.
where it exceeds Rs. 500 but does not exceed Rs. 600.	Six rupees . .	Nine rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700.	Seven rupees . .	Ten rupees eight annas.
where it exceeds Rs. 700 but does not exceed Rs. 800.	Eight rupees . .	Twelve rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900.	Nine rupees . .	Thirteen rupees eight annas.
where it exceeds Rs. 900 but does not exceed Rs. 1,000.	Ten rupees . .	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Five rupees . .	Seven rupees eight annas.
24. COPY OR EXTRACT—		
(*i*) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee.	Eight annas . .	One rupee.
(*ii*) in any other case . .	One rupee . .	Two rupees.
25. COUNTERPART OR DUPLICATE—		
(*b*) in any other case . .	One rupee . .	Two rupees.

SCHEDULE—*contd.*

VII of 1913.

1	2	3
26. CUSTOMS BOND—		
(*b*) in any other case . .	Five rupees . .	Ten rupees.
29. DIVORCE	One rupee . .	Two rupees.
30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT—		
(*b*) in the case of an Attorney	Two hundred and fifty rupees.	Five hundred rupees.
9. MEMORANDUM OF ASSOCIATION OF A COMPANY—		
(*a*) if accompanied by articles of association under section 17 of the Indian Companies Act, 1913[1]	Fifteen rupees . .	Thirty rupees.
(*b*) if not so accompanied .	Forty rupees . .	Eighty rupees.
40. MORTGAGE-DEED—		
(*c*) when a collateral or auxiliary or additional or substituted security or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped		
for every sum secured not exceeding Rs. 1,000.	Eight annas . .	One rupee.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Eight annas . .	One rupee.
41. MORTGAGE OF A CROP—		
(*a*) when the loan is repayable not more than three months from the date of the instrument for every sum secured not exceeding Rs. 200.	One anna . .	Two annas.
and for every Rs. 200 or part thereof secured in excess of Rs. 200.	One anna . .	Two annas.
(*b*) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument—		
for every sum secured not exceeding Rs 100.	Two annas . .	Four annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Two annas . .	Four annas.

[1] General Acts, Vol. VII.

SCHEDULE—*contd.*

1	2	3
42. NOTARIAL ACT . . .	One rupee . .	Two rupees.
43. NOTE OR MEMORANDUM—		
(*a*) of any goods exceeding in value twenty rupees	Two annas .	Four annas.
(*b*) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the stock or security.	Subject to a maximum of twenty rupees, two annas for every 10,000 rupees or part thereof of the value of the stock or security.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP.	Eight annas . .	One rupee.
46. PARTNERSHIP—		
(*A*) Instrument of—		
(*a*) where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.	Five rupees.
(*b*) in other cases . .	Ten rupees . .	Twenty rupees.
(*B*) Dissolution of . .	Five rupees . .	Ten rupees.
48. POWER OF ATTORNEY—		
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents.	Eight annas . .	One rupee.
(*b*) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882[1]	Eight annas . .	One rupee.
(*c*) when authorising one person or more to act, in a single transaction other than the case mentioned in clause (*a*)	One rupee . .	Two rupees.
(*d*) when authorising not more than five persons to act jointly and severally in more than one transaction or generally.	Five rupees . .	Ten rupees.

XV of 1882.

[1] General Acts, Vol. III.

SCHEDULE—*concld.*

1	2	3
48. POWER OF ATTORNEY.—*Contd.*		
(*e*) when authorising more than five but not more than ten persons to act jointly and severally in in more than one transaction or generally.	Ten rupees	Twenty rupees.
(*f*) when given for consideration and authorising the attorney to sell any immoveable property.	The same duty as a conveyance (No. 23) for the amount of the consideration.	The same duty as a conveyance (No. 23) for the amount of the consideration.
(*g*) in any other case	One rupee for each person authorised.	Two rupees for each person authorised. *N. B.*—The term "registration" includes every operation incidental to registration under the Indian Registration Act, 1908.[1]
50. PROTEST OF BILL OR NOTE	One rupee	Two rupees.
51. PROTEST BY THE MASTER OF A SHIP.	One rupee	Two rupees.
54. RECONVEYANCE OF MORTGAGED PROPERTY—		
(*a*) if the consideration for which the Property was mortgaged does not exceed Rs. 1,000.	The same duty as a conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.	The same duty as a Bond (No. 15) for the amount of such consideration as set forth in the Reconveyance.
55. Release—		
(*b*) In any other case	Five rupees	Ten rupees.
57. SECURITY BOND OR MORTGAGE DEED—		
(*b*) in any other case	Five rupees	Ten rupees.
62. TRANSFER—		
(*c*) of any interest secured by a bond, mortgage-deed or policy of insurance—		
(*ii*) in any other case	Five rupees	Ten rupees.
65. WARRANT FOR GOODS	Four annas	Eight annas.

XVI of 1908.

[1] General Acts, Vol. VI.

BOMBAY ACT No. III OF 1922.[1]

[THE BOMBAY COTTON CONTRACTS CONTROL (WAR PROVISIONS) REPEAL ACT, 1922.]

[*5th May, 1922.*]

An Act to repeal the Bombay Cotton Contracts Control (War Provisions) Act, 1919.

WHEREAS it is expedient to repeal the Bombay Cotton Contracts Control (War Provisions) Act, 1919; It is hereby enacted as follows :— Bom. Act of 1919.

Short title. **1.** This Act may be called the Bombay Cotton Contracts Control (War Provisions) Repeal Act, 1922.

Repeal of Bom. I of 1919. **2.** The Bombay Cotton Contracts Control (War Provisions) Act, 1919, hereinafter called "the said Act," is, with effect from 1st June 1922 and except to the extent mentioned in section 3, hereby repealed. Bom. Act I of 1919.

Provision for the settlement of certain contracts and disputes after repeal. **3.** The said Act and the rules and bye-laws made thereunder shall continue in force thereafter only for the purpose of settling contracts and disputes in relation thereto, for the purchase and sale of cotton to be delivered on or before 31st May 1922, and the Bombay Cotton Contracts Board shall deal with such contracts and disputes and the powers and functions of the Board in relation thereto shall as regards such contracts and disputes remain in full force and effect, provided that the application for the exercise of the powers and functions of the Board under its rules and bye-laws is made not later than 15th July 1922.

Disposal of property of Bombay Cotton Contracts Board. **4.** On the settlement of the last such dispute, the property of the Bombay Cotton Contracts Board shall vest in the Governor in Council and the proceeds thereof shall, after the liabilities of the Board shall have been discharged, be applied by the Governor in Council for the benefit of the cotton trade of the City of Bombay.

Bom. I of 1919, section 5, in to apply not certain cases. **5.** Notwithstanding anything contained in section 5 of the said Act, no contract for the purchase or sale of cotton to be delivered after 31st May 1922, whether made before or after the passing of this Act, shall be void by reason of its contravening any rule or bye-law made by the Bombay Cotton Contracts Board.

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[1]For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Pt. V, 7.

BOMBAY ACT No. IV OF 1922.[1]

[THE MAHUL CREEK (EXTINGUISHMENT OF RIGHTS) ACT, 1922.]

[20th May, 1922.]

WHEREAS it is expedient to facilitate the laying by the Trustees of the Port of Bombay of a new oil pipe line to the oil pier at Trombay;

And whereas for the proper laying and protection of the said pipe line it is necessary to keep the drawbridge now maintained by the Port Trust Railway over the Mahul Creek permanently closed and thus to cut off from access to the sea a portion of the said creek;

And whereas it is therefore necessary to extinguish all tidal rights and rights of navigation in the said creek over and above the site of the said bridge;

And whereas the previous sanction of the Governor General required by clauses (*e*) and (*f*) of sub-section (*3*) of section 80A of the Government of India Act has been obtained for the passing of this Act;

5 & 6 Geo. 5, c. 61.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mahul Creek (Extinguishment of Rights) Act, 1922.

Extinguishment of rights.

2. From the first day of June 1922 all tidal rights and rights of navigation in that part of the Mahul Creek which lies over and above or to the north of the drawbridge now to be kept permanently closed by the Trustees of the Port of Bombay, and spanning the said creek at a point specified in the Schedule hereto, shall be extinguished.

Compensation to be awarded for loss or damage caused by extinction of rights.

3. (*1*) On the passing of this Act, the Collector of Bombay shall commence to take order for the award of compensation for any loss or damage caused to any person by the extinction of such rights, in the same manner, as nearly as may be, as if he had been directed under section 7 of the Land Acquisition Act, 1894, to take order for the acquisition of land.

I of 1894.

(*2*) Compensation shall be determined and awarded in accordance, as nearly as may be, with the provisions of the Land Acquisition Act, 1894, by the said Collector, or, if his award is not accepted, by the Court.

I of 1894.

SCHEDULE.

(See section 2.)

The site of the drawbridge is about 600 feet, measured along the western edge of the Mahul Creek, to the north of the centre line of the Pakdi Creek,

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Pt. V, p. 2.

as shown on City Survey Sheet No. 587, and 900 feet measured along the western edge of the Mahul Creek to the south of the centre line of the Chandani Creek, as shown on City Survey Sheet No. 589. It is approximately 730 feet to the east of the old Tower situate near the Laxman Govind Salt Pan Works as shown on City Survey Sheet No. 587.

BOMBAY ACT No. V OF 1922[1].

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT) ACT, 1922.]

[5th June, 1922.]

An Act further to amend the Bombay Prevention of Gambling Act, 1887.

WHEREAS it is expedient further to amend the [2] Bombay Prevention of Gambling Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows :— (Bom. IV of 1887.)

Short title.

1. This Act may be called the Bombay Prevention of Gambling (Amendment) Act, 1922.

Amendment of section 3 of Bom. IV of 1887.

2. In section 3 of the [2] Bombay Prevention of Gambling Act, 1887, hereinafter called "the said Act," for the definition of "gaming" the following shall be substituted, namely :— (Bom. IV of 1887.)

[Vol. II of this Code.]

Amendment of section 4 of Bom. IV of 1887.

3. In section 4 of the said Act, for the words "with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months" the following shall be substituted, namely :—

[Vol. II of this Code]

Amendment of section 12 of Bom. IV of 1887.

4. In section 12 of the said Act,

(*a*) to clause (*a*), the following words shall be added, namely :—
"or in any race-course";

(*b*) to the second paragraph the following words shall be added, namely :—

[Vol. II of this Code]

(*c*) in the third paragraph, for the words "or place" the words "place or race-course" shall be substituted

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 19, and for Report of Select Committee, *see ibid*, 1922, Part V, page 7.

[2] [illegible] of this Code.

BOMBAY ACT No. VI of 1922[1].

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1922.]

[27th September, 1922.]

An Act further to amend the City of Bombay Municipal Act, 1888.

Bom. Act III of 1888.

WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 1922.

Amendment of section 3 of Bom. III of 1888.

Bom. Act III of 1888.

2. In section 3 of the [2]City of Bombay Municipal Act, 1888, hereinafter called "the said Act," clauses (*g*) and (*j*) shall be repealed.

Amendment of section 5 of Bom. III of 1888.

3. For sub-section (*1*) of section 5 of the said Act, the following sub-section shall be substituted :—

[Vol. III of this Code.]

Amendment of section 11 of Bom. III of 1888.

4. In section 11 of the said Act for sub-sections (*2*) and (*3*) the following sub-section shall be substituted : —

[Vol. III of this Code.]

Repeal of sections 12 and 13 of Bom. III of 1888.

5. Sections 12 and 13 of the said Act shall be repealed.

Amendment of section 14 of Bom. III of 1888.

6. In sub-section (*1*) of section 14 of the said Act, the following words shall be repealed :—

" or unless he is at the time of the election a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll."

New section 15 of Bom. III of 1888.

7. For section 15 of the said Act the following section shall be substituted : —

[Vol. III of this Code.]

New section 15A of Bom. III of 1888.

7A. After section 15 of the said Act the following section shall be added, namely :—

[Vol. III of this Code.]

Amendment of section 16 of Bombay III of 1888.

8. In sub-section (*1*) of section 16 of the said Act the words "or co-opted" shall be added after the word "appointed" and clause (*a*) shall be repealed.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 83 and for Report of Select Committee, *see ibid,* 1922, Part V, page 76.

[2] Vol. III of this Code.

Amendment of section 19 of Bom. III of 1888.

9. In section 19 of the said Act—

(*a*) in sub-section (*1*) the words "justices and fellows respectively" shall be repealed;

(*b*) sub-section (*2*) shall be repealed;

(*c*) in sub-section (*3*) the following sentence shall be substituted for the last sentence:—

[Vol. III of this Code.]

(*d*) in sub-section (*4*)—

(*i*) for the words "have been assessed to the qualifying tax" the words "are entitled to be enrolled under the provisions of sub-section (*2*) of section 11" shall be substituted;

(*ii*) for the words "have been assessed" the words "are entitled as aforesaid" shall be substituted.

(*e*) in sub-section (*5*)—

(*i*) for the words "have been assessed" the words "are entitled as aforesaid" shall be substituted;

(*ii*) the words "to the qualifying tax" shall be repealed;

(*f*) in sub-section (*12*) for the word "ten" the word "fifteen" shall be substituted;

(*g*) sub-section (*20*) shall be repealed;

(*h*) in sub-section (*22*) for the word "tenth" the word "fifteenth" shall be substituted.

Amendment of section 20 of Bom. III of 1888.

10. (*1*) In section 20 of the said Act for the word "twenty" the word "twenty-five" shall be substituted.

(*2*) Section 20 of the said Act shall be renumbered as section 20 (*1*) and to it the following sub-section shall be added, namely:—

[Vol. III of this Code.]

Amendment of section 21 of Bom. III of 1888.

11. In section 21 of the said Act—

(*a*) in sub-section (*1*)—

(*i*) for the words "Chief Judge aforesaid" the words "authority mentioned in section 20" shall be substituted;

(*ii*) for the word "tenth" the word "twentieth" shall be substituted;

(*b*) in sub-section (*2*) the words "and the justices' roll and the fellows' roll" shall be repealed;

(*c*) in sub-section (*3*) the following words shall be repealed :—

" or as a justice or fellow, as the case may be, provided, in the case of a justice or fellow, that such person be still a justice or fellow, as the case may be, at the time of the election."

12. In section 23 of the said Act—

(*a*) in the second paragraph for the words " election by the Bombay Chamber of Commerce " the words " elections, by the chambers or association mentioned in sub-section (*1*) of section 5 " shall be substituted ;

Amendment of section 23 of Bom. III of 1888.

(*b*) for the third and fourth paragraphs the following paragraphs shall be substituted :—

[Vol. III of this Code.]

13. In section 25 of the said Act the words " or for a justices' election " and the words " in the case of a ward election " shall be repealed.

Amendment of section 25 of Bom. III of 1888.

14. In section 26 of the said Act—

Amendment of section 26 of Bom. III of 1888.

(*a*) in sub-section (*1*) the words " or a justices' election " shall be repealed ;

(*b*) in clause (*e*) of sub-section (*2*)—

(*i*) in sub-clause (*i*) the words " or as a justice or as a fellow " shall be repealed ;

(*ii*) sub-clause (*ii*) shall be repealed ;

(*c*) in the proviso to clause (*j*) of sub-section (*2*) for the word " election " where it occurs for the first time the word " poll " shall be substituted.

15. In sub-section (*1*) of section 27 of the said Act the words " or a justices' election " shall be repealed.

Amendment of section 27 of Bom. III of 1888.

16. Section 29 of the said Act shall be repealed.

Repeal of section 29 of Bom. III of 1888.

16A. In sub-section (*1*) of section 30 of the said Act—

Amendment of section 30 of Bom. III of 1888.

(*a*) for the word " elections " the words " an election " shall be substituted, and for the word " councillors " the words " a councillor " shall be substituted ;

(*b*) the words " whose name is not enrolled in the fellows roll or " shall be repealed ; and

(*c*) the words " and resident in the city " shall be added at the end of the sub-section.

New section 30A of Bom. III of 1888.

17. After section 30 of the said Act the following section shall be inserted :—

[Vol. III of this Code.]

Amendment of section 31 of Bom. III of 1888.

18. In section 31 of the said Act --

(*a*) for the words "the Bombay Chamber of Commerce" the words "a chamber or association mentioned in sub-section (*1*) of section 5" shall be substituted ;

(*b*) for the word "Chamber," wherever it occurs, the words "chamber or association" shall be substituted.

Amendment of section 32 of Bom. III of 1888.

19. For sub-section (2) of section 32 of the said Act the following shall be substituted :—

[Vol. III of this Code.]

Amendment of section 42 of Bom. III of 1888.

20. In section 42 of the said Act for the words "twelve" and "eight" the words "sixteen" and "twelve" respectively shall be substituted.

Amendment of section 43 of Bom. III of 1888.

21. In sub-section (*1*) of section 43 of the said Act for the word "eight" the word "twelve" shall be substituted.

Amendment of section 52 of Bom. III of 1888.

21A. In section 52 of the said Act after the word "appointment" the words "or co-option" shall be added.

Amendment of section 54 of Bom. III of 1888.

22. In sub-section (2) of section 54 of the said Act for the word "forty-five" the word "sixty-four" shall be substituted.

Amendment of section 68 of Bom. III of 1888.

23. In sub-section (2) of section 68 of the said Act, below the words and figures "section 412, sub-sections (*1*) and (*2*)" the word, figures and letter "section 412A" shall be inserted.

Amendment of section 77 of Bom. III of 1888.

24. In section 77 of the said Act—

(*a*) in sub-section (*1*), for the words "Standing Committee" the word "Corporation" shall be substituted ;

(*b*) in clause (*e*) of sub-section (2) the words "standing committee, with the approval of the" shall be repealed.

Amendment of section 80 of Bom III of 1888.

25. In section 80 of the said Act, after the word "sections," the figures "39" shall be inserted.

New section 80A of Bom. III of 1888.

26. After section 80 of the said Act, the following section shall be inserted :—

[Vol. III of this Code.]

Amendment of section 81 of Bom. III of 1888.

27. (*1*) To clause (*g*) of sub-section (*1*) of section 81 of the said Act, the following words shall be added :

[Vol. III of this Code.]

(2) The amendments contained in sub-section (*1*) and in section 28 shall be deemed to have been made and to have had effect from such date whether

before or after the passing of this Act as may be fixed by the corporation in this behalf.

Repeal of section 82 of Bom. of III of 1888.

28. Section 82 of the said Act shall be repealed.

Amendment of section 83 of Bom. III of 1888.

29. In sub-section (2) of section 83 of the said Act,

(*a*) in clause (*b*), after the word "corporation", where it occurs for the first time, the words, figures and letters "under sections 55, 74, 75, 76A, 76B, or 77" shall be inserted;

(*b*) after clause (*b*), the following clause shall be inserted:—

[Vol. III of this Code.]

Amendment of section 118 of Bom III of 1888.

30. In clause (*d*) of section 118 of the said Act, before the word "pensions" the words "contributions to provident funds" shall be inserted.

Amendment of section 136 of Bom. III of 1888.

31. (*1*) In sub-section (*3*) of section 136 of the said Act, for the word "ten" the word "fifteen" shall be substituted.

(*2*) The amendment contained in sub-section (*1*) shall be deemed to have been made and to have had effect from the first day of April one thousand nine hundred and twenty

Amendment of section 461 of Bom. III of 1888.

32. In section 461 of the said Act after clause (*r*), the following clause shall be inserted:—

[Vol: III of this Code.]

Amendment of Schedule B to Bom. III of 1888.

33. In column seven of Schedule B to the said Act, for the words "six eight, eight, five, five, two and two," the words "twelve, sixteen, sixteen, ten, ten, six and six" shall, respectively, be substituted.

Reduction of term of councillors 1922-23.

34. Notwithstanding anything contained in the said Act or in any bye-law or agreement thereunder—

(*a*) members of the corporation holding office on the 31st day of March, 1923, shall retire from office at noon on the 1st day of April, 1923, which day shall for the purposes of the said Act be considered as the day for retirement in respect of the said members;

(*b*) general elections of councillors to be elected in place of councillors retiring on the 1st day of April, 1923, shall be fixed by the Commissioner subject to the provisions of section 23, to take place on such days in the months of January and February, 1923, as he shall think fit;

(*c*) appointments of councillors by Government to come into office on the 1st day of April, 1923, shall be made not less than seven days before that date;

(*d*) the chairman and members of any committee or sub-committee as constituted on the 31st day of March, 1923, shall retire from office at noon on

the 1st day of April, 1923: provided that the standing committee in existence on 31st day of March, 1223, shall continue to hold office until such time as a new standing committee is appointed under section 43, notwithstanding that the members of the said committee or some of them may no longer be councillors;

(e) in the event of a casual vacancy occurring between the coming into operation of this Act and the 1st of April, 1923, such casual vacancy shall be filled in accordance with the provisions of section 9 of the said Act as if this Act had not been passed, but the member elected or appointed to fill such casual vacancy shall retire from office at noon on the 1st day of April, 1923.

BOMBAY ACT No. VII OF 1922.[1]

[THE KARACHI VACCINATION (AMENDMENT) ACT, 1922.]

[*16th October, 1922.*]

An Act further to amend the Karachi Vaccination Act, 1879.

WHEREAS it is expedient further to amend the [2] Karachi Vaccination Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows:— (Bom. Act IV of 1879.)

Short title.

1. This Act may be called the Karachi Vaccination (Amendment) Act, 1922.

Amendment of section 1 of Bom. IV of 1879.

2. In section 1 of the [2] Karachi Vaccination Act, 1879, hereinafter called "the said Act," for the words "It extends only to the town of Karachi" the words "It extends to the town and cantonment of Karachi and the land vested in the Port Trust by and under the Karachi Port Trust Act, 1886, hereinafter called the Port Trust estate" shall be substituted. (Bom. Act IV of 1879. Bom. Act VI of 1886.)

Amendment of sections 1, 2, 12 and 31 of Bom IV of 1879.

3. In sections 1, 2, 12 and 31 of the said Act, for the words "Governor in Council," wherever they occur, the word "Government" shall be substituted.

Amendment of section 2 of Bom. IV of 1879.

4. To section 2 of the said Act the following clauses shall be added, namely:—

[Vol. II of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 39.

[2] Vol. II of this Code.

5. (*1*) In section 3 of the said Act, for the first two paragraphs the following shall be substituted, namely :—

Amendment of sections 3, 4 and 6 of Bom. IV of 1879.

[Vol. II of this Code.]

(*2*) In paragraph 4 of section 3 and in sections 4 and 6 of the said Act, for the words "Civil Surgeon" the word "municipality" and for the word "other" the word "the" shall respectively be substituted.

6. In section 5 of the said Act, for the words "Civil Surgeon or other officer aforesaid" the words "Chief officer of the municipality or the officer aforesaid" shall be substituted.

Amendment of section 5 of Bom. IV of 1879.

7. In section 6 of the said Act for the word "Government", wherever it occurs, the word "municipality" shall be substituted.

Amendment of section 6 of Bom. IV of 1879.

8. In sections 16, 17 and 19 of the said Act, for the words "Civil Surgeon or other officer" the words "municipality or such officer as the municipality direct" shall be substituted.

Amendment of sections 16, 17 and 19 of Bom. IV of 1879.

9. In section 26 of the said Act, for the word "Government" the words "the municipality or such officer as is authorized by the municipality in this behalf" shall be substituted.

Amendment of section 26 of Bom. IV of 1879.

10. In section 29 of the said Act, for the words "Civil Surgeon of Karachi or such other officer as Government directs" the words "municipality or such officer as the municipality direct" shall be substituted.

Amendment of section 29 of Bom. IV of 1879.

11. In section 31 of the said Act,

Amendment of section 31 of Bom. IV of 1879.

(*a*) for the words "Civil Surgeon of Karachi or such other officer as Government directs" the words "municipality or such officer as the municipality direct" shall be substituted ; and

(*b*) for the words "*Bombay Government Gazette*" the words "*Sind Official Gazette*" shall be substituted.

BOMBAY ACT No. VIII OF 1922. [1]

[THE MATADARS (AMENDMENT) ACT, 1922.]

[*13th October, 1922.*]

An Act further to amend the Matadars Act, 1887.

WHEREAS it is expedient further to amend the [2] Matadars Act, 1887, in manner hereinafter appearing ; It is hereby enacted as follows :—

Bom. Act VI of 1887.

1. This Act may be called the Matadars (Amendment) Act, 1922.

Short title.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Part V, page 48.

[2] Volume II of this Code.

Amendment of section 17 of Bom. VI of 1887.

2. In section 17 of the Matadars Act, 1887, after the word "village" where it occurs for the second time the words "who are not deprived of the right of voting under sub-section (2) of section 30 shall be inserted.

Bom. Act VI of 1887.

BOMBAY ACT No. IX OF 1922.[2]

[THE ADEN PORT TRUST (AMENDMENT) ACT, 1922.]

[*1st November, 1922.*]

An Act further to amend the Aden Port Trust Act, 1888.

WHEREAS it is expedient further to amend the [3]Aden Port Trust Act, 1888, in manner hereinafter appearing; AND WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Bom. Act V of 1888.

5 & 6 Geo. 5, c. 61.

Short title.

1. This Act may be called the Aden Port Trust (Amendment) Act, 1922.

Amendment of section 6.

2. In sub-section (2) of section 6 of the [3] Aden Port Trust Act, 1888, for the words "the Deputy Assistant Quartermaster-General, Aden Brigade," the following shall be substituted, namely: —

Bom. Act V of 1888.

[Vol. III of this Code.]

BOMBAY ACT No X OF 1922.[4]

[THE BOMBAY SALT (AMENDMENT) ACT, 1922.]

[*14th December, 1922.*]

An Act further to amend the Bombay Salt Act, 1890.

WHEREAS it is expedient further to amend the Bombay Salt Act, 1890, in manner hereinafter appearing: AND WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Bom. Act II of 1890.

5 & 6 Geo. 5, c. 61.

Short title.

1. This Act may be called the Bombay Salt (Amendment) Act, 1922.

New section 48-A.

2. After section 48 of the [3]Bombay Salt Act, 1890, the following section shall be inserted, namely:—

Bom. Act II of 1890.

[Vol. III of this Code.]

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[1] Vol. II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 88.

[3] Vol. III of this Code.

[4] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 169.

BOMBAY ACT No. XI OF 1922.[1]

[THE IDENTIFICATION OF PRISONERS (BOMBAY AMENDMENT) ACT, 1922.]

[*14th December, 1922.*]

An Act to amend the Identification of Prisoners Act, 1920.

XXXIII of 1920. — WHEREAS it is expedient to amend the Identification of Prisoners Act, 1920, in its application to the City of Bombay in manner hereinafter appearing; AND WHEREAS the previous sanction of the Governor General required by clause (*f*) of sub-section (*3*) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:— (5 & 6, Geo. 5, c. 61.)

Short title and extent. — **1.** (*1*) This Act may be called the Identification of Prisoners (Bombay Amendment) Act, 1922. (XXXIII of 1920.)

(*2*) It extends to the City of Bombay.

Amendment of section 2 of XXXIII of 1920. — **2.** In clause (*b*) of section 2 of the Identification of Prisoners Act, 1920, hereinafter called "the said Act", after the figures "1898" the words and figures "or Chapter V of the City of Bombay Police Act, 1902" shall be inserted. (Bom. Act IV of 1902.)

Amendment of section 5 of XXXIII of 1920. — **3.** In section 5 of the said Act

(*a*) after the figures "1898" the words and figures "or the City of Bombay Police Act, 1902" shall be inserted; and (Bom. Act IV of 1902.)

(*b*) to the first proviso, the words "or a Presidency Magistrate" shall be added.

Amendment of section 7 of XXXIII of 1920. — **4.** In section 7 of the said Act, after the word "Officer" the words "or in the City of Bombay, the Commissioner of Police" shall be inserted.

BOMBAY ACT No. XII OF 1922.[2]

[THE PRINCE OF WALES MUSEUM (AMENDMENT) ACT, 1922.]

[*28th December, 1922.*]

An Act further to amend the Prince of Wales Museum Act, 1909.

WHEREAS it is expedient further to amend the Prince of Wales Museum Act, 1909, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. — **1.** This Act may be called the Prince of Wales Museum (Amendment) Act, 1922. (Bom. Act III)

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 96.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 40, and for Report of Select Committee, *see ibid*, 1922, Part V, page 97.

Amendment of section 3 of Bom. III of 1909.

2. In sub-section (2) of section 3 of the Prince of Wales Museum Act, 1909,[1] hereinafter called the said Act— Bom. Act II of 1909.

(*a*) for clause (*a*) the following shall be substituted, namely:—

"(*a*) the Director of Industries for the Presidency of Bombay";

(*b*) in clause (*e*) for the words 'open vote and' the word 'ballot' shall be substituted;

(*c*) for clause (*f*) the following clause shall be substituted, namely:—

"(*f*) three other persons be nominated by the Government";

(*d*) after clause (*f*) the following clauses shall be inserted, namely:—

[*Supra*, page .]

New sections 3-A, 3-B, and 3-C of Bom. III of 1909.

3. After section 3 of the said Act, the following sections shall be inserted, namely:—

[*Supra*, page .]

Amendment of section 5 of Bom. III of 1909.

4. In sub-section (*1*) of section 5 of the said Act for the words "Governor of Bombay in Council" the word "Government" shall be substituted.

Amendment of section 8 of Bom. III of 1909.

5. In sub-section (*1*) of section 8 of the said Act, for the words "within the period sanctioned" the following words shall be substituted, namely:—

[*Supra*, page .]

BOMBAY ACT No. XIII OF 1922.[2]

[THE PREVENTION OF CRUELTY TO ANIMALS (BOMBAY AMENDMENT) ACT, 1922.]

[*28th December, 1922.*]

An Act further to amend the Prevention of Cruelty to Animals Act, 1890.

WHEREAS it is expedient further to amend the [3]Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows:— XI of 1890.

Short title.

1. This Act may be called the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1922.

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[1] *Supra.*

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1921, Part V, page 82, and for Report of Select Committee, *see ibid*, 1922, Part V, page 147.

[3] General Acts, Volume IV.

2. In section 3 of the Prevention of Cruelty to Animals Act, 1890, hereinafter called "the said Act",

Amendment of section 3 of XI of 1890.

(*a*) the words "in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or in any such other place" shall be repealed, and

(*b*) after clause (*c*) the following two clauses shall be added, namely:—

"or (*d*) in any area to which this clause is by special notification as aforesaid extended, without sufficient excuse neglects to supply any animal under his control with sufficient food or drink; or

(*e*) in any area to which this clause is by special notification as aforesaid extended, without sufficient excuse abandons or turns loose any animal without making due provision for its sustenance."

3. For section 6 of the said Act the following section shall be substituted namely:—

Amendment of section 6 of XI of 1890.

Penalty for employing animal unfit for labour.

"6. (*1*) If any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

(*2*) The Local Government may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against sub-section (*1*) have been committed.

(*3*) The Magistrate before whom a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary and be there detained until, except as provided for in sub-section (*4*), it is in his opinion or in the opinion of some other Magistrate, again fit for the work or labour on which it has been ordinarily employed. If however the Magistrate decides that the animal will never again be fit he may irect that it shall be destroyed or sent to a pinjrapole.

(*4*) Within any specified area the Local Government may, when any animal has been sent to an infirmary under sub-section (*3*), authorize any veterinary officer to issue a certificate that in his opinion such animal is fit for the work or labour on which it has been ordinarily employed and such animal shall no the released from detention unless and until such certificate shall have

been issued or the Magistrate directs that it shall be destroyed or sent to a pinjrapole.

(5) The cost of the transport to the infirmary and the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the District Magistrate or, in the case of an infirmary in a Presidency town, the Commissioner of Police may from time to time prescribe.

(6) If the owner refuses or neglects to pay such cost and to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of the sale shall, on application made by the owner within two months after the date of the sale, be paid to him.

(8) If the cost incurred under sub-section (5) shall exceed the proceeds of the sale, the excess to such extent as shall seem reasonable shall be recoverable from the owner as a fine on the order of the Magistrate, provided that no such order shall be made without the owner being given a reasonable opportunity of urging his objections, if any, before the Magistrate.

BOMBAY ACT No. XIV OF 1922.[1]

[THE BOMBAY COTTON CONTRACTS ACT, 1922.]

[*28th December, 1922.*]

An Act to provide for the regulation and control of transactions in cotton in Bombay.

WHEREAS it is expedient to provide for the regulation and control of transactions in cotton in Bombay; AND WHEREAS the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:— 5 & 6 Geo. 5, c. 61.

[Short ti]tle [and dur]ation. **1.** (1) This Act may be called the Bombay Cotton Contracts Act, 1922.

(2) It shall remain in force for three years and for such period thereafter as the Governor in Council may by notification direct.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1922, Part V, page 94, and for Report of Select Committee, *see ibid*, 1922, Part V, page 155.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Contract" means a transaction in cotton to be carried out in whole or in part in Bombay;

(b) "Bombay" means the City of Bombay;

(c) The "Association" means the East India Cotton Association, Limited; and

(d) The "Board" means the Board of Directors of the Association acting through at least a quorum of their number at a meeting of that Board duly called and constituted.

3. (1) The Board may, subject to the sanction of the Governor in Council, make by-laws for the regulation and control of transactions in cotton:— Power of Board to make by-laws.

(a) providing a clearing house for the periodical settlement of contracts or differences thereunder and for the passing on of delivery orders;

(b) regulating and maintaining such clearing house and providing for the admission of various classes of members and the exclusion, suspension, expulsion and re-admission of members;

(c) prescribing the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house;

(d) fixing, altering or postponing settling days;

(e) fixing and declaring market rates for cotton of any and every description, which rates shall be binding for all purposes upon every one dealing in such cotton;

(f) prescribing the terms, conditions and incidents of contracts and the forms of such contracts as are in writing;

(g) regulating the making, performance and cancellation of contracts including contracts between a commission agent and his constituent, or between a broker and his constituent, or between a jethawala or muccadum and his constituent, or between a member and a non-member of the Association and providing for the consequences of insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer, and the responsibility of commission agents, muccadums and brokers not parties to such contracts;

(h) prohibiting specified classes or types of dealing by a member of the Association;

(i) providing for arbitration and appeals against awards;

(j) providing for the levy and recovery of subscriptions, fees, fines and penalties;

(k) providing for the licensing of brokers and the suspension, cancellation and restoration of their licenses;

(l) providing disciplinary measures, including suspension, expulsion, fines and non-monetary penalties, for breach of any by-law made by the Board; and

(m) regulating the course of business between parties to contracts in any capacity whether they be members of the Association or not.

(2) If any person committing a breach of any by-law of the Board is a company, every director and officer of such company shall also be deemed to have committed such breach unless he proves that the breach was committed without his knowledge and control.

(3) By-laws made by the Board under sub-section (1) and sanctioned by the Governor in Council shall be published in the Bombay Government Gazette; by-laws so made and sanctioned may be enforced before publication in the said Gazette.

Legality and alteration of Articles of Association.

4. The constitution and administrative machinery set out in the Articles of Association of the Association are declared to be lawful. The said Articles shall not, except with the sanction of the Governor in Council, be altered in respect of

the number or constitution of Panels, or the representation upon (a) Panels, (b) the Panels Representative Committees, (c) the Representative Committee of the Association, or (d) the Board.

Contract contravening by-law void.

5. Any contract (whether either party thereto is a member of the Association or not) which is entered into after the date on which by-laws under this Act are sanctioned by the Governor in Council and published in the Bombay Government Gazette, and which contravenes any such by-law shall be void.

Officer, etc., not personally responsible.

6. No officer or servant of the Association shall be held personally responsible for anything in good faith and not negligently done or omitted by him within the scope of his authority as such officer or servant in relation to anything authorised by this Act or the by-laws made thereunder.

Act to apply to contracts entered into after 31st May 1922.

7. Contracts for the purchase and sale of cotton entered into subsequent to 31st May 1922 and prior to the coming into operation of this Act under the rules or by-laws of the Association shall be subject to the provisions of this Act and of by-laws made thereunder.

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